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SYSTEM

OF

MORAL SCIENCE.

BY

LAURENS P. HICKOK, D.D.,

AUTHOR OF "RATIONAL PSYCHOLOGY," "EMPIRICAL PSYCHOLOGY," ETC.
UNION COLLEGE.

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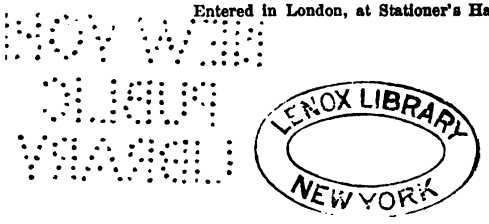

PREFACE.

SCIENCE subjects all the facts it uses to a controlling law, and by this law binds all its facts into an orderly system. No elements, however abundant, can become a philosophy without their determining principle.

Moral Science must conform to this condition, and moreover, must find its principle within the spiritual part of man's being. Nature, through all her successions, can reach no absolute rule, and can bind relatively only, according to her connections as found in experience. With such consequences, it is prudent to take such a direction; for the great revolving wheel will crush those who cross its course. Her highest appeal is to self-interest, and can never awaken the feeling of spiritual worthiness. But the spiritual is the supernatural; and nature must be for this, not this for nature. The moral law is above nature, not taken from nature. The virtuous man must say, "I am thus, and I live thus, because this only is worthy of my spiritual being;" not at all, "I stand here and do this, because otherwise the ongoings of nature would torment me."

The following work has been prosecuted under the full conviction of such a twofold demand. Only expediency,

and not morality can be, if the ultimate rule of life be taken from natural consequences, and not from spiritual imperatives; and with such spiritual rule there can not even then be science, and in this a *system* of morals, unless all the elements used are bound up in it. But while the steady design has been to attain and keep prominent the spiritual principle, and also to combine all the parts in this principle, there has been no anxiety to exhaust all the facts which belong to the field of morals, nor is there the pretension that even all the important facts have been here gathered and classified. A wide occasion still remains for extending the application and circumspection of the principle, though it is with great confidence assumed, that the principle here applied will be found adequate to determine every virtue, and to detect every vice, and to give to them their proper arrangement in a system of morals. The science is incomplete, not in its principles, but only in not collecting every fact.

Very little regard has been paid to questions of casuistry. The principle being given, and plain instances of its application, all has been effected that is profitable. To take complicated cases, and resolve doubts whether such ambiguous facts come within the principle, would give little instruction of general use. Ninety-nine such cases of doubt might be correctly solved, and yet the hundredth would have its own peculiarities not at all touched in any former solution. The good sense of every man must do this work for him as best it may, by his own application of the

principle to the case, and not by any rules which can be taught him, and which he may lay up in memory for use on common occasions. Without the wit to apply, the rules would be wholly useless; and with that, the man will do very well without any scholastic rules. He will ordinarily solve the original doubt, easier than he can settle just what other cases are like the present.

This System of Moral Science is designed as a Text-Book for College study, and to be used in my own department of instruction. The aim has been to make it as concise as clearness would admit: and this has been connected with the full persuasion that no labor of the teacher can give to the student a dispensation from close thought and hard study, if he would attain to any adequate apprehension of the groundwork of moral science, and comprehend the completeness of the system. I have gratefully to acknowledge the kindness of Dr. Lewis for important suggestions made in the process of its preparation. It is published in the belief that something like it is greatly needed.

Union College, 1853.

PREFACE TO THE SECOND EDITION.

The first edition has gone into use in Colleges and Academies as extensively as was anticipated, and the demand for another edition has come sooner than was expected. From public notices and inquiries by letter, there has seemed the need for some changes in particular portions, by which the meaning might be more clearly or more completely expressed. The principle which runs through and gives system to the whole work, and the methods of its application to the prominent points of ethical doctrine and duty, have found no occasion for change.

That the system of Moral Science was needed in the work of ethical education, has now been pretty clearly manifested, and in the extent to which it shall continue to subserve that end, by this cheaper stereotype form, must be the appreciation of its utility.

Union College, 1855.

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INTRODUCTION.

THE SPECIFIC PROVINCE OF MORAL SCIENCE.

MORAL SCIENCE must be preceded by a familiarity with Mental Science. Without an accurate and somewhat profound knowledge of the human mind, it will be impracticable clearly to distinguish the specific province which a system of morals is to occupy; and an error, in reference to the proper field of morality, will infallibly vitiate the whole attempted science. But a clear apprehension of some of the foundation-facts in mental philosophy, will give a direct and intelligent introduction to the appropriate field which is herein to be examined: and this is the first thing to be attained.

Man is compounded of the animal and the rational being. These are so intimately blended, that they together make one existing man; yet is it always possible to distinguish the animal from the rational being, and apprehend each in its own peculiar operation without any confusion.

The *animal* part of human nature finds the end of its activity in the gratification of its constitutional appetites;

and it rests in the attainment of such gratification until some new craving of nature returns. The appetites may be originally of greater or less variety, and may be more or less refined by cultivation; but, however comprehensive and refined, the sole end of animal appetite, in its promptings, is gratification. Happiness is its highest law; and with such a being, whether the life be mortal or immortal, it is the life of the brute only. There is a faculty which learns from experience; draws deductions from facts which have come within the sense; and judges and regulates the acts in gratification from prudential considerations; but in all this, man only participates in common with the endowments of his fellows of the stall, and has in this no distinguishing prerogative above the brute that perisheth.

The *rational* part of man's being finds its end of activity in its own intrinsic excellency. Its conscious dignity demands that its whole activity be such only as is due to itself, and required in its own right for the securing of its highest worthiness of character. Its impulses are no promptings of appetite, but the urgency of an imperative. Not what is craved as a desire, but what is claimed as a duty; not what it wants as an appetite, but what it ought in the right of its own excellency; these constrain the action and control the whole conduct. The spirit is competent to self-knowledge, and thus to get rules immediately in the light of its own excellency, without any doubtful judgments in the generalizations of experience. Its own rules enable the spirit even to judge and determine how experience itself should

be. In this right of what is due to itself, there is a spring to an alternative in the conflicting impulses of passion, and the capacity for holding itself steady against the stream of natural appetite and freely to maintain the integrity of its own worthiness. In this *having of itself* is its capability to *behave;* and here lie all the prerogatives and responsibilities of a free personality. The imperative, to fulfil the claims of its own excellency, is perpetual, and thus the spirit needs no rest and knows no cessation of motive.

Such is humanity; not all animal, and thus wholly the brute; not all spiritual, and thus altogether an angel; but both in one — spirituality incarnate. We can never say of mankind, they are sense *or* spirit; but must ever affirm, that man is sense *and* spirit. "The law in the members," and "the law of the mind," are perpetually interworking through all humanity.

And now it is quite obvious to remark, that the province of morality must lie altogether within the sphere of man's rational and spiritual being. The animal part has no law but happiness. Interest, expediency, prudence, are its controlling motives; and while from past experience, as he has found it to be and forecasts that it will be, he may deduce the dictates of prudence in highest happiness; yet can he in this never find the righteousness of the happiness, nor feel any other gratulation in gaining it, than that of skillful self-interest. Even his benevolence is only prudence; for he finds himself so linked into the connections of nature, that his own highest happiness is attained in making others

happy. He can never say, so experience should be; but so I find it is, and therefore so it is prudent for me to shape my conduct. Why the Author of Nature has made it thus, and not otherwise, can only be resolved by saying that he found himself with such a craving want within, he must so make nature, or be himself perpetually miserable. The chain of nature thus wraps itself around the Creator, and there is no place found for the imperatives of pure morality anywhere, but solely the principle of highest price in barter. A spiritual excellency must be apprehended, that may command for its own sake, and find something due to itself in the conscious right of its own intrinsic dignity, or we can find no possible province for morality.

But even the rational spirit of man is not all ethical. A deeper analysis of the human mind must be effected, or we shall not attain to the province of pure morality, nor be able to give a completed science. The spirit attains other necessary and universal principles than such as control in morals, and we must be able fully to distinguish each in its own grounds, or it will not be possible for us, as ethical philosophers, to determine our proper position.

1. Man, as rational, has the capacity to apprehend the necessary and universal principles which determine Beauty, and can thus apply the rules of Taste in the fine arts; and hereby he introduces himself into the province of *Æsthetics*.

The word *form* has a broad application. It may be used in reference to anything which can be limited and

brought within definite circumscription. When only the limit is regarded, without respect to that which is limited, it is known as *pure form*. We may thus have pure form as mere shape in space, or, in the degrees of intensity, pure form also as mere tone in sound. The blending of forms in space by colors gives figure, and the blending of forms in sound gives tune. We may thus modify colors in outline to represent any figure, and modulate tones to represent any tune; and when only the form, without any regard to that which fills it, is apprehended, we shall have pure figure or pure tune.

Now, certain measures of figure and tune express the sentiments and emotions of living beings. The vital spirit in human nature gives itself out to the perceptions of the senses in certain shapes and tones, and one emotion will have one form of expression peculiar to itself, while other emotions will come out in their peculiar forms. In this manner, every sentiment or emotion of living beings may embody itself in some color, shape or tone in nature, and the pure form in which that expression is made will be at once the expressive representation of that living sentiment. And herein is determined the entire sphere of the Beautiful. Not at all the matter contained in the form, but the pure form itself, which only the mind's eye and not any organ of the sense can apprehend, is the Beautiful. Nor is all pure form, but only such as gives expression to some living sentiment, to be apprehended as beauty. The pure form, which represents some emotion of a living being, is an æsthetic object; and no form, that does not express sentiment,

can be of any significancy in the fine arts. With this full comprehension, the only adequate and complete definition of beauty is *pure living form*. When such pure living form carries up the sentiment expressed in it, to be an emotion of the supernatural and the divine, the Beauty also rises and loses itself in the Sublime.

Here is the province of art. The sculptor gives some living expression in the shaped outline of the statue; the painter blends his colors into more complicated forms upon the canvas; the bard throws his entrancing sounds of song upon the ear; and we apprehend the Beautiful in them all, solely because we have here the living forms in which beauty is. Nature, also, in her thousand colors, forms and tones, is perpetually expressing some touching sentiment, and thus throwing beauty all about our paths. Not because nature is an imitation of some higher copy, nor from any surprise and delight that art should be found to imitate nature so well, but both in nature and art, solely because the mind's eye catches the pure form which is expressive of some living sentiment, do we awake to the consciousness of the Beautiful or the Sublime.

The rational spirit can itself create its own pure forms, which shall express the living emotion more full and perfect than can be embodied in any media of nature or of art; and thus the cultivated genius has his own absolute ideal Beauty, as the highest and purest conception of the living sentiment in any particular case; and this he makes his ultimate criterion to judge of any representation in nature or art, and becomes the critic, measuring and estimating every actual form of beauty that he finds,

and pronouncing it fine or faulty, in proportion as it squares with his own absolute ideal.

The eye and the ear are the only organs which give the perceptions that take on these pure living forms, and hence the sight and the hearing are the only senses that can be recognized in the fine arts. But even these organs are of use, only as they may give the phenomenal matter which takes on these pure forms, and so far only has sense at all any part in beauty. The pure form itself is only for the mind's eye, and with which the bodily organ has nothing to do; and it is wholly by the rational part of man also, that the pure ideal is created in which lies the absolute Beauty, and by whose application he criticises all forms of beauty which art or nature may anywhere present to either eye or ear. The absolute Beauty is only in the reason, and all outer beauty is judged and determined by this. It is so far of sense, that its pure forms can only find their expression in some objects of sense; but the Beauty itself is nothing that the sense gives; for if the pure form any way express the living sentiment, the taste is quite indifferent what material object it may be that represents it. That material will be the most desirable which will intrude itself the least upon the mental vision, and leave the pure form in the most unhindered manner to express the living sentiment.

We have in this the field of Æsthetics, which no merely animal eye or ear can enter, inasmuch as it is reason in her freedom which creates the ideal Beauty, and cares nothing for the material part, except merely

that it may communicate and preserve the pure living form which is put upon it. This faculty is of the rational part of man, and has an intrinsic excellency which controls the animal appetite for its own end, and will not permit that its beauty should be bartered for bread or any sensual gratification. But though controlling the sense for its own higher end, yet can it not rise to the dignity of an ethical imperative. It controls by taste and not by duty; its retributions are disgust and loathing, not remorse and despair. Its ugliness is not that of vice, and its deformities are not the debasement of guilt. It fills an important province in the domain of the reason, but is wholly separated from morality.

2. Man, as rational, has the capacity to apprehend Truth, and to apply necessary and universal principles in science, and thus to introduce himself into the field of pure *Philosophy*.

All possible diagrams may be constructed in pure space. In these diagrams, skilfully arranged, a succession of intuitive steps may be taken which shall lead out from axioms to the most remote demonstrations. So, also, in the mind's passing from point to point along a mathematical line, it may attain the apprehension of succession in pure time. As this intellectual agency is contemplated as standing in the successive points, and thus giving so many *instants*, or, as moving from one point in the line to the next, and thus giving so many *moments*, all possible pure periods, and in these, all possible pure numbers may be attained. Such pure numbers

may be skilfully arranged, in such a variety of ways, as to indicate the results of all arithmetical processes.

In this manner a pure geometry, and a pure arithmetic are possible; and the whole field of mathematical truth lies open. This does not rest upon the experience in sense, but the intellect works out its own figures and numbers, and the mind's eye sees the consecutive steps and apprehends the ultimate conclusion. Because man can thus use pure space and pure time, he can see in his pure constructions necessary and universal truth, and thereby affirm not only what *is*, but what any experience *must be*. The sense has, here, no more relevancy than in the fine arts. The pure mathematical figures may be filled by some matter, just as the pure living forms of beauty may be; yet the reason regards the matter filling the pure forms as of no importance, and uses it only to retain or communicate the intuitions, while the entire science lies only in the pure figures of the mind's own construction.

And *so*, also, the phenomena given in sense must be connected in determinate places in space, and determinate periods in time, or they cannot come into any order of experience. They are else a mere rhapsody of appearing and disappearing visions. And such determined order of connection cannot be effected by the senses. The reason must give the notion of permanent substance in which the phenomenal qualities *in*here, or they could not be determined to their places in the connections of universal space: and must also give the notion of perduring cause to which the phenomenal events

*ad*here, or they could not be determined to their periods in the connections of one successive time: and must, further, give the notion of action and re-action through which all passing events *co*here, or they could not be determined as contemporaneous in one and the same time. The reason determines, not so experience *is*, but so, if there be any experience in space and time, it *must be*. With these pure notions of substance, cause, and counter-causation, as connecting all possible phenomena of the sense, the whole field of pure physics lies open to us and we can build up absolute systems of natural science at pleasure. The sense has no more importance in a pure philosophy, than in æsthetics and mathematics. The qualities and events constituting a nature of things may be given in such connection; but whether actually given or not, the philosophy is valid.

Not then at all in the animal, but only in the rational part of our being, is the field for mathematical and philosophical truth. And this province is also entirely distinct from the field of beauty in æsthetics, though both these belong to the region of the rational — the field of fine art being limited to pure form, expressive of living sentiment; the field of mathematics being confined to pure figure, as giving successive intuitive steps in a demonstration; and the field of pure philosophy being confined to the pure notions of substance, cause and counteraction, as giving the pure connectives for the phenomena of sense into an order of experience in determinate space and time. In this last, from the pure love of science, man may freely subject the animal appetites and refuse

to prostitute philosophy to any craving of pleasure. He may also withdraw all attention from art, and fully devote himself to science. But while, thus, science is clearly discriminated from the province of taste, it still does not come within the field of morality. The excellency of science, far transcending animal happiness, is still other and lower than the excellence of virtue.

3. Man as rational may know himself. The intrinsic excellency of his spiritual being may be clearly apprehended, and in this knowing of his own true dignity, he knows in himself what is due to himself. Herein he finds a law written upon his inner being, and which is imperative for the end of his own worthiness of character alone. This will introduce us at once to the precise field for which we are seeking, namely, that of *moral Truth and Obligation.*

The spirit of man knoweth the things of a man, but it is spiritual not sensual discernment. Not the animal nature of man can search out these depths of his own being and adequately know his own spiritual excellency and *dignity*, but his rational spirit only can have this self-discernment. There is something reverent and awful in his own being, and every man is forced at times to feel himself subdued and responsible in the presence of his own spirit. There is an inner shrine where he must stand with uncovered head, and before the tribunal of which he must bow with unquestioning subjection. The Shekina in his own bosom compels respect for its majesty and authority, and he feels bound, alone by himself, to sacrifice appetite, and subdue sense, and subject the

body to the worthiness of the spirit. He is often made conscious how terrible is the retribution which comes from within him, in the sense of his own degradation and conviction of personal debasement, when he has bowed his soul as a bond-slave to some appetite of the flesh. This inner authority is wholly in and of the spirit, and it uses the sensible world only as worthy to be subdued and subjected to its own ends. It does not want nature that it may represent its own pure forms within it, like beauty; nor, that it may study its own necessary connections in it, as philosophy; but that by its use of it, it may make the spirit itself more worthy. It is competent to stand in itself, an everlasting law of life, when flesh and sense shall cease, and this mortal shall put on immortality.

Here exclusively is the field of Morals. This province we are now to explore, and find and practically apply the necessary principles. Knowing our precise position, we can precisely determine our Moral Philosophy, and therein possess a science from necessary principles, and not a guess from general consequences.

SYSTEM OF MORAL SCIENCE.

CHAPTER I.

DIFFERENT THEORIES OF THE ULTIMATE RULE IN MORALS.

"WHERE there is no law there is no transgression;" and for the same reason, where there is no law there is no obedience. Law, thus, is essential to all moral action, inasmuch as without it there can be no ethical obligation; no merit nor demerit, no punishment nor reward. The faculties of moral agency constitute mere capacity for praise or blame, but except some rule be applied, no occasion is given for calling forth this capacity into the attainment of any moral character. The first inquiry for Moral Science is, therefore, after an *ultimate Rule* of life, under whose imperative, moral character may be formed and estimated, and from the authority of which, justification or condemnation may be pronounced.

Such a rule must be apprehended by the subject, and thus promulgated to the conscience, and must be so universal that it may come home in its convictions to the consciousness of the race, otherwise there can be no valid

ground for a comprehensive science of Morals. Where, then, is the source of a universal OUGHT, which shall press upon the entire conscience of humanity?

Widely different and very conflicting theories have been here advanced; and as this is so fundamental for the science of morality, the system has of course received its whole character from its foundation-principles. It is in fact a history of Moral Science, to give a history of the ultimate rules which have been adopted as the ground-work of the many systems which have been elaborated. This wide diversity in reference to the very ground of Moral Science might seem very discouraging to any expectation of a final general agreement, and even be taken to indicate that all morality is itself very uncertain, since those who study it most contradict each other in their philosophy. But there is much relief in the fact, that the diversity has been mainly in reference to what has been made a matter of speculation, and not in reference so much to the matter of fact as to what is right; and more especially is discouragement removed, when it is known that former discussion has not been useless. Many of these conflicting theories have had their day, and are now numbered among the things that were, with neither teacher nor disciples. Two or three only now divide the great mass of ethical writers, and the prospect is the more hopeful that the truth shall ere long shine forth too clearly to permit of any radical discrepancy.

It will help us in fixing our convictions of what is the ultimate Rule in morals, if we pass in cursory review

some of the more prominent theories which have been advanced by either ancient or more modern philosophical moralists. We will give these in the most concise statement practicable, without any attempt at confirmation or refutation, and leave them by merely specifying their distinctive authors. The simplest statement of the theory is all we need for the present design; and for the more convenient presentation, we may classify them as theories which put the ultimate Rule in something *external* to the mind, and those that find the ultimate Rule in something *within* the mind itself. We shall thus have two classes, which may be termed,

I. *Objective theories of the Ultimate Moral Rule.*

II. *Subjective theories of the Ultimate Moral Rule*

Under the class of *Objective* theories we may put,

1. *The Authority of the State.* Man must live in civil society, and this can not be sustained without political regulations. The state, through its constituted authorities, legislates, and to this the citizen is bound in unquestioning obedience. The conservation of the public welfare would be impossible, if any subject were permitted to question and resist the civil authority. The man is not to go back of the law and judge of it by some imaginary standard; the civil authority is ultimate, and the citizen has nothing to do but obey. The whole duty, where the state has legislated, is to read the law and act accordingly. HOBBES.

2. *The revealed Will of God.* What God wills is ultimate, simply because he wills it. When this is revealed to man in any way, there is no higher rule by which it

can be judged; but that God has so willed, is in that, and on that account, final. If the position be taken that there must be some principle for the direction of the Divine will, it is answered that God can have no superior sovereign to his will, but this may make and unmake principles, and create moral truth as well as natural existences. All moral truth originates in the Divine will; and it is thus, solely because God wills thus. Des Cartes, and Dymond.

3. *Something inherent in the Nature of Things.* This admits of several modifications, in accordance with what it is in the nature of things, that is put as the ground of the ultimate Rule. (*a.*) One will say, that there is a *fitness* in things themselves, which lies at the basis of all obligation. There is a "fitness" in returning gratitude for a favor—in the payment of an honest debt—in love and honor towards a parent, and homage towards God. This "fitness" in one to be accompanied by the other, is the ultimate ground of obligation, where there is the one to do also the other. Dr. S. Clarke. (*b.*) In all things there is *a truth*, and this seen confers obligation to be regarded and treated as it is. It is "true" that man is not a post, and this is a valid reason why he should not be treated as a post. It is "true" that he is a rational being, therefore deal with him as such. The Rule is founded in "the truth" of things; all disobedience is somewhere acting out a lie. Wollaston. (*c.*) There are certain *relations* between things, in which is found the ultimate Rule. The "relation" of parent and child—of benefactor and beneficiary—of the state and the

citizen—of the Creator and creature, is itself the ultimate Rule for the duties enforced. We need only to know the relations, and the duty is seen in them and made up from them. Dr. Wayland. (*d.*) There is a *beauty* in the union and consent of one mind or heart with the great whole of being, and which may be termed good will to being *in general*, and in this moral beauty is the essence of true virtue. The consent and agreement of heart with being in general is conditional for the beauty, and the love to being in general is not for the beauty in the being, but the love is to the being and the beauty is inherent in such love; and thus the beauty of benevolence or of love to being in general, is the essence of all true virtue. Pres. Edwards. These may all mean much the same thing; but whatever be understood, they all agree that the ground of the rule is seen in the nature of things.

4. *The highest Happiness.* This assumes that happiness is the only good, and that whatever tends to this is right, and the design to secure this is virtuous. The ultimate Rule of all action must be found in this tendency to promote happiness. The general theory of highest happiness has its modifications constituting distinct systems. (*a.*) A *purely selfish* system in which pleasure is put as the chief good, and personal enjoyment the only virtue. Inasmuch as the future is altogether uncertain, the highest wisdom is found in making the most of the present, and thus it takes the form of the old perverted Epicurean maxim, "live while you live." (*b.*) The modifying of all our appetites and desires so as to keep "the

golden mean," neither too lax nor too intense in any inclination. Moderation is the great virtue. The highest happiness, and thus the highest virtue, is by keeping in the midst between two extremes. ARISTOTLE. (*c.*) It may take apparently a more *religious* aspect, and assume future eternal happiness as the highest good, and thus denying present gratification for the endless happiness of heaven. PALEY. (*d.*) Taking the general conception of *utility*, and referring this to the public, and making the ultimate Rule to be "the greatest good of the greatest number." BENTHAM. (*e.*) Putting all under the name of *Benevolence* as the highest good, inasmuch as it blesses both giver and receiver. Man is so made that he finds his highest happiness in promoting the highest happiness of others, and thus beneficence is the highest rule of life. PRES. DWIGHT, and DR. TAYLOR.

All the above find the highest rule of life in some source external to the mind, and have regard to some object which it is deemed makes the strongest claim upon man, and which is thus the measure of all right as itself the ultimate.

Under the class of *Subjective* theories, we have,

1. *A natural susceptibility to Pride, gratified by Flattery.* Man has many impulses, but among the strongest is that of pride, which induces to self-denial in other things that it may find more than its equivalent in the praise that is returned, and the whole of virtue is found in the vanity that is satisfied by flattery. The many are thus cunningly enslaved by the designing few, who, to reward their patient service and devotion, have

invented such terms as loyalty, patriotism, heroism, virtue, religion, etc., and apply them in flattering distinctions to such as are the most subservient and obsequious. Praise is given in barter for freedom, and all moral virtue is but "the offspring of flattery begotten upon pride." MANDEVILLE.

2. *An inner reciprocal Sympathy.* All we know of other men, is by referring what we may deem their experience to some similar experience of our own, and finding a sympathy between us. Just so in morals. We change places in thought with the actor, and if we deem that we should approve of the act as a spectator, we affirm it to be right; and if we should not so sympathize with it, we affirm it to be wrong. In reference to another's act, we must imagine ourselves to be the actors and he the spectator, and accordingly as it would meet or oppose his sympathy, we affirm the act to be right or wrong. Thus the apprehension of the rule is never direct, but through this reflex sympathy; and there must be an imagined reciprocity between the actor and the observer of the action, or neither of them could affirm any right or wrong in the action. The capacity to such inner reciprocal sympathy is the sole ground and possibility of morality. ADAM SMITH.

3. *An inner Sense, which gives Moral Distinctions.* This has its various modifications. (*a.*) Amid the other senses with which man is endowed and which give material qualities, he has a distinct and specific sense which apprehends moral distinctions. This perceives a right and wrong as the organic senses perceive colors, sounds,

etc. This moral sense is each man's source of all obligation, and to him his measure of all virtue. SHAFTESBURY, and HUTCHESON. (*b.*) Virtue and vice in the abstract are nothing, and like all other qualities have their existence only in the percipient. There is thus a universal sentiment, by reason of the original conformation of all minds by one Divine Creator, which approves certain intentions and affections, and disapproves certain others. This universal sentiment, from an original conformation of the human mind, is the ultimate source of all moral truth, and in this is the ultimate Rule of life. It is a mark of the Divine Wisdom and Benevolence that he has made the human race with such conformity of moral sentiments, that substantially the same things are approved and disapproved through all generations. DR. BROWN. (*c.*) An inward revelation as a warning voice, which though sounding in us is not of us, makes itself to be felt as an awe and fear of Deity; and which thus becomes a conscience in all human bosoms, and lies at the source of all morality. An external revelation may also be given as another form of the same admonition; but this inward awe of the Deity, awakened by this warning voice and before which we find the whole carnal mind shrinking and retiring, is that which first originates imperatives in the consciousness, and involves all that is moral or religious in the human race. The divinely awakened reverence and awe of the Supreme Being, first wakes the moral life, and this finds its rule in any form of God's commandments. F. SCHLEGEL.

4. *An immediate Intuition.* This view supposes the human mind in its rational endowment to have an intuition higher than the immediate perceptions of sense, and which higher intuition immediately apprehends universal and necessary principles in their own light, and among others such as also belong to morality. The organs of sense have no connection with this higher intuition, either directly or remotely, since no reflection upon what is perceived by sense — combining, abstracting, or comparing — can give these necessary principles. The Reason is the organ for their apprehension, and this immediately beholds them. The Ought is thus immediately seen by the reason, and needs and admits of no other explanation than that it is so seen in its own light. The reason sees the right, and that is ultimate and conclusive. The phraseology and application may differ somewhat in different writers, but all of this theory hold substantially to this, that the ultimate right is a dry and pure rational intuition, seen and not felt — an intellectual object, and not a sentiment or a feeling — and that this intuitive beholding of the right is its highest affirmation. It is not right, *because* of this or that; it is immediately seen to be right, and that is the end of it. The right is ultimate in its own intuition, and there can not be a further explanation when the last is reached. CUDWORTH, KANT, and COLERIDGE.

The review of these varied theories, and what has been already attained in the determining of the particular field of Moral Science, will now enable the more readily and intelligently to apprehend the ultimate Rule

of Right, when the true ground in which it must lie shall be set fully before the mind. Without a detailed examination of these theories, this will at once correct what is erroneous, and fill out what may be incomplete in any of them.

CHAPTER II.

THE ULTIMATE RULE OF RIGHT.

We do not apprehend pure truth, except we have some ground in which the truth is, inasmuch as truth always particularizes, and can give no criterion of itself in general. This is the same in moral truth, as in mathematical and philosophical; and hence the necessity of finding some ground in which the truth of the ultimate Rule of right shall be made immediately manifest. This can be done only by a clear apprehension of THE HIGHEST GOOD, since that must be the ground in which the ultimate Rule shall reveal itself. *Summum bonum est suprema lex;* but the *summum bonum* is easily, and often very much, misapprehended. It is quite essential that we mark a distinction *in kind*, and not merely in *degree*, otherwise it will be impossible to put any system of morals upon a necessary and universal basis. We shall else have a rule as a deduction from what *is*, not a rule determining universally what *ought to be*.

The highest good is intrinsically peculiar. It does not stand in any determination of degrees, but distinguishes itself as wholly a different thing. It is quite necessary to a foundation of moral science, that such complete distinction be made apparent, and though it necessitate

a protracted and patient analysis, there is still no alternative if we would bring our moral system within the conditions of a true science.

It may, then, be remarked in general, that no sensible appearance nor mental conception can be scarcely ever given to the mind as a mere dry intellectual object. Its presence in the consciousness will awaken some susceptibility to feeling, and induce more or less emotion. All these feelings will range themselves under *two* distinct classes.

1. There are feelings which can not rest in the mere contemplation of the objects which excite them. They go out in a more or less passionate craving for the possession of the object in direct gratification. All such craving desires may be termed *appetite*, and belong to our animal nature. It is not necessary here to regard the opposite feelings of aversion, for they follow the same law in repellancy that the appetites do in craving. All expedients for attaining such objects of gratification give art, but, as used only to minister to the cravings of nature, it is properly *useful* art. All such contrivance and machinery, together with the objects they bring to our gratification, have a utility and are a *good* in the interest of appetite.

2. There are feelings which reach not forth to the use of the object that it may satiate any craving, but which rest in the object itself, and give quietness and serenity in the simple contemplation of the object for its own sake. Such feelings give complacency in their own fullness, and may be termed *sentiment*, and which belong to our

rational being only. These feelings are called forth only in the presence of some pure ideal excellency which the mind holds up to its own view, or some copy which it may compare with the pure ideal, and it asks nothing more than that it may perpetually contemplate this in its own intrinsic worth. There may be needed some material embodiment of the pure ideal, solely for preservation or communication, and this will demand art, but as it ministers to no sensuous craving, it is not useful art. We will not here characterize it as *fine* art, for that term applies strictly only to one of its varieties; but we may call it in general *rational* art, as representing that which has intrinsic excellency and giving full complacency in the mere contemplation, and ministering nothing to any animal appetite. The whole art together with the ideal which it represents, has an interest only in the rational sentiment, and is a *good* in its own intrinsic excellency.

We find thus two distinct kinds of good. One as it ministers to animal gratification, the other as it fills the sentiment of the reason. One good is a means to be used for an end, and is thus a *utility;* the other good is an end in itself and not admitting of use to any further end, and is thus a *dignity.* One good is measured by the happiness it confers as a means of gratification, the other by the complacency it secures in the end of its own excellency.

And here we may *first* take the good of appetite, and carry it out to its furthest possible end in highest happiness, and it will ever be a thing of degrees; a commodity

that has its price; and can never attain to an intrinsic excellency which is priceless.

The gratification of any one appetite is good, as giving such a degree of happiness. But this may be bought by some other gratified appetite affording greater happiness; and that which shall gratify, on the whole, man's entire nature of craving want in the highest degree, will buy out in the market all else that may appeal to appetite. The prudent trader will rejoice to part with all objects that may gratify less, and take instead such as on the whole will gratify most. But how, if this greatest happiness of the individual, on the whole, be incompatible with the greatest happiness of all sentient beings? The universal market will so regulate itself, that greatest individual happiness will be bought out by greatest general happiness. But such individual sacrifice of happiness for greater public happiness is still an evil, and if each may have implanted an inclination to kindness, which craves for its gratification the opportunity to make other sentient beings happy, and this to so great a degree that the happiness from gratifying kindness shall more than compensate for the self-denying in other respects, then would such a system of constitutional benevolence buy out a system in which no compensating results in kindness should have place.

Still, in each case of kindness, it would be only a matter of price. In the market I looked at my greatest happiness, and I found that, as the goods ranged, it was my highest prudence to be benevolent. The public, it is true, have been benefitted; but quite incidentally.

That benefit was nothing in my account, but only that I had my pay for my kindness. I was benevolent, not at all because I could see that I *ought* to be so, but only because, as I found things to be, I *must* be so in order to be the most happy. I find nothing intrinsic in this benevolence that elevates it to any dignity in its own excellency, but only the avaricious chuckle of the tradesman who has made so much by his bargain. Here is the whole morality of constitutional benevolence, and the highest point to which any craving want can go. But it has no jewel so precious that it has not its price, and which the owner would feel any degradation to offer to the highest bidder. It can possibly attain to no law of absolute right, but only to the calculation of personal prudence.

We *next* take the rational good, and in carrying it up to its highest attainment, we shall all along find that which has an intrinsic excellency that no gratification of appetite may be allowed to buy. In the last sphere of the rational, we shall find that supreme excellency which holds all else in subserviency, and is the absolute end of all ends. We contemplate man as endowed with a spiritual life, superinduced upon his animal nature; and in this a dignity is given to humanity, which may command for its own sake, and which can be bartered for no happiness without conscious debasement.

1. We apply the sentiment of *Taste*. The insight of reason detects sentiment in pure form, and may create its own pure forms the most completely to embody the desired sentiment, and thereby it makes to itself its own

ideal beauty. This *beau ideal*, or absolute beauty, is its ultimate standard of taste, by which the critic judges, and after which the artist works, and as thus held before the eye of reason may be called the *objective* Standard of taste.

These pure forms of art may be put upon every object which ministers to the gratification of appetite; and thus the rational is made to preside over the sensual. The useful is not alone consulted, but this is everywhere elevated to the tasteful and elegant. Our homes, and gardens, and fields; our dress, furniture, and equipage; all the conveniences and utilities of social life, are made not only to minister to a want, but also to take on the adornment of a beauty. Living sentiment is expressed in all the forms about us; every feast and banquet not merely relieves a craving, but calms and refines by awaking the most soothing emotions; and our own accents and movements are cultivated to the highest expressions of grace and eloquence. Animal pleasure has been chastened and refined from all its grossness, and comes within the sphere of artistic excellence. And now, such subjection of animal experience to taste, and such controlling of every appetite by beauty, gives to man a dignity which no amount of pleasure may be allowed to buy. There is an intrinsic excellency in this adornment of taste which bears contemplation for its own sake, and it would degrade any one to exchange this for the highest price that happiness can pay. The man has been elevated; not made more happy, but more excellent;

and to be thus excellent may be called the *subjective* end of taste, and is an *æsthetic good.*

2. We apply the cultivation of *Science.* The insight of reason attains universal and necessary truths, by which both man and nature are interpreted. They are the axioms and first principles by which all science is determined. As held before the eye of reason, for the guide of the philosopher, such truth may be called the *objective* Law of science.

The man may thus cherish philosophy for its own sake, in attaining and applying such universal truths. The human intellect is thereby elevated above all the calculations of the counting-room and the keen, sharp estimates of mercantile interest, and comes to commune with the divine intellect, in the apprehension of the laws of nature, and takes in those conditioning ideas which guided the Great Architect, "when he prepared the heavens, and set a compass upon the face of the deep." In this elevation of science there is a dignity independent of the refinements of taste, and though neither trenching upon the excellency of beauty, nor requiring that this should at all be sacrificed, but both together making the man the more worthy, still is the dignity of philosophy greater than art, and the excellency of truth superior to beauty. So much the more than in the sphere of taste, would the alienation of philosophy, for any price in happiness, be the base barter of the birth-right of reason for a mess of pottage. *To be* the sage is the attainment of intrinsic excellency and dignity, and may be called the *subjective* end of philosophy, and is a *scientific good.*

3. We apply *the Imperatives of the spirit's own excellency*. Whether absolute or finite spirit, there is to each an inner world of conscious prerogative—revealed to itself completely, and to itself only, except as the absolute comprehends the finite—and from which comes forth perpetually the imperative, that every action be restrained by that which is due to its own dignity. It is this consciousness of the intrinsic excellency of spiritual being, which awakens the reverence that every man is forced to feel, when he is brought fairly to stand alone in the presence of his own spirit. As if another and a divine self, scanned and judged every purpose and thought of the acting self, so is every man when arraigned before his own personality, and made to hear with uncovered head his sentence of self-justification or self-condemnation. There is an awful sanctuary in every immortal spirit, and man needs nothing more than to exclude all else, and stand alone before himself, to be made conscious of an authority he can neither dethrone nor delude. From its approbation, comes self-respect; from its disapprobation, self-contempt. A stern behest is ever upon him, that he do nothing to degrade the real dignity of his spiritual being. He is a law to himself, and has both the judge and executioner within him and inseparable from him. The claim of this intrinsic excellency of spiritual being, as apprehended by the reason, may be known as the *objective* Rule of right.

We may call this the imperative of reason, the constraint of conscience, or the voice of God within him; but by whatever terms expressed, the real meaning will

be, that every man has consciously the bond upon him *to do that, and that only, which is due to his spiritual excellency*. The motive to this is not any gratification of a want, not any satisfying of a craving, and thus to be done for a price in happiness; but it is solely that he may *be*, just what the intrinsic excellency of his own spirit demands that he *should be*. Enough for him that he *is*, in the sight of his own spirit and of all spirits, worthy of spiritual approbation. Not only would he not sell this worthiness of character for any price, but he has not attained it for the sake of a reward beyond it. That it was not the end, but a means to a further end, would make it wholly mercenary, and the very worthiness he speaks of would be at once profaned to a marketable commodity. He willingly then would be anything else if he could get equal wages for it. To be thus worthy of spiritual approbation is the attainment of the highest dignity, and may be called the *subjective* end of ethics, and is a *moral good*.

This is the ultimate end of rational being; the end of all ends. As worthy of happiness, this may now righteously be *given*, and righteously *taken*, but not righteously *paid* as price nor *claimed* as wages. The *good* is the *being worthy*, not that he is to get something for it. The highest good — the SUMMUM BONUM — is *worthiness of spiritual approbation*.

That this is ultimate, *intuitively* appears in many ways. Let this be sacrificed for anything, and self-debasement and contempt are unavoidable. The man has in it lost his manliness; the spirit itself is wounded;

and no escape from suffering nor attainment of happiness, can compensate for it. Every virtue finds here its end. Why I should be benevolent to man, and why reverent towards God, have each the same end—namely, then, and then only, am I acting according to that which is due to my spirit and thus worthy of spiritual approbation. God is worthy in himself of my reverent worship and service, but the only way in which that truth can make itself an imperative to me, is through my own conscience; I must know that I, a finite spirit, debase myself if I do not reverently adore the Absolute Spirit. Humility in the creature, and especially in the sinner, is a duty, but it is so only as humility is itself a dignity, while self-conceit debases the spirit. Everywhere, in acting for spiritual worthiness' sake, I shall be fulfilling what I intuitively see to be the end of my spiritual being.

This truth also appears in many *facts*. The child cannot analyze its own convictions, and yet all children very early manifest the deep conviction of the superiority of the *ought* above all the cravings of a *want*. Such expression can possibly by no cultivation be brought out from an animal. The brute can judge according to sense, and in many ways manifest a quick susceptibility to the dictates of prudence, and both do and avoid many things for the sake of greater happiness; yea, even the brute may sometimes manifest the kindness that is happy in doing good to others, and thus exhibit a constitutional benevolence; but no culture can bring from the animal the manifestation of a consciousness, that there is something due to itself which can be exchanged for no equiva-

lent in happiness. Its highest good is happiness: satiate the appetite, and the animal will be quiet until some new want returns. There is in it no such impulse, as an imperative; no sentiment of *the ought*. But take the child, even quite early, and put any good which gratifies a want before it, and you may also awaken an imperative in opposition to it; and if you do, you will also stir the conviction that the ought has in it a higher good in kind than any gratified want can reach. It is more to the child, in the manifestations of his own consciousness, to *be good* than to *get good*. Even in going after the sensual good, his manifested shame and remorse testifies to the debasement of which he is conscious, and that the higher good has been lost. The good he *is* is intrinsic spiritual worth, the good he may *get* is gratified want; and he well knows the mighty difference between them.

All human *speech* evinces the same universal conviction. The human mind clothes the inner thought in symbols, and brings out what is hidden by giving to it a body in language. But all language distinguishes the ought from the want, the imperative from the appetite: and though to both there may have been applied the same term, good, yet always has the good as happiness been distinguished from the good as worthiness, and of the last only has there been the invariable conviction that it was *the good* which might be lost for no possible equivalent.

When the man sees himself to be just what the spiritual excellency of his being demands that he should be, he has in the contemplation of this worthiness, at once

his obedience and complacency, his virtue and reward. The one is not in order to the other, but they identify themselves the one in the other; and this worthiness contemplated stands, at once, as ultimate end and highest good of all ethical being. It is no revelation from without, but a necessary truth seen in the spirituality of his own being from within.

CHAPTER III.

ESSENTIAL ATTRIBUTES OF THE ULTIMATE RIGHT.

THE ground in which the ultimate Rule of right is seen, is the intrinsic excellency of spiritual being. As *objective* to spiritual discernment, this intrinsic excellency possesses authority and commands in its own right. It is due to it, that all ends meet and be concluded in it. As *subjective* to my own attainment, the highest good is to see myself conformed to this rule, and thus worthy of spiritual approbation; and the right to secure this good is above and inclusive of all other rights. This rule is no generalization from experience, for quite above what is, it determines what experience itself should be. It is, in other words, nothing else, than that it behooves reason to act reasonably; spirit to act worthy of its spirituality. In all possible cases of obligation, the ultimate right vests in the excellency of rational spirit itself. Whether in the finite or the Absolute Spirit, there is the inner knowledge of its own intrinsic excellency, and in this is *Conscience*. (*Con-scio* = συν-οἶδω.) In this knowing itself is its highest prerogative; in the claim to its own spiritual worthiness is its highest right; in the attainment of this worthiness is its highest good; and in the apprehension of what is due to itself is the ultimate Rule, which is

universally imperative for no other reason than that it is reason.

With this precise intuition of the ultimate Right, it is of further importance that we apprehend as distinctly some of the attributes which it possesses.

1. It is *simple*. By this is meant that it is wholly uncompounded, and thus incapable of any analysis.

This is manifest from the genesis of the conception itself. We do not attain it from any generalization, nor by any process of degrees which by an accumulation at last constitutes right. We may pass in our analysis of mind from the appetite of the animal to the imperatives of the rational within us, and in the rational may also pass through the sphere of taste and of philosophy up to that of morals; but we do not carry along with us any conceptions which, in their last complexity, become the conception of the right. We leave each law, of happiness and of beauty and of physical truth, in its own sphere, and only as we come into the sphere where reason knows itself, and is conscience, do we find the law of right; and here, in the ground of spiritual excellency, it stands in its own simplicity as seen by the eye of reason itself.

This is further seen in the impracticability of all analysis of it. No intellectual process can decompose it and show its parts. It may be said, as it has been, that for any action to be right, there must be, 1. Understanding. 2. Free-will. 3. Tendency to universal happiness. 4. Tendency to the individual happiness. But though this should be admitted to be a true analysis of right

action, it is manifestly a mistake to suppose it an analysis of *right* itself. The very first ingredient — an understanding — is of no possible use, but as it is conditional for already perceiving the right. Besides, how know that it would be not right to hold to responsibility without such assumed elements? The very attempt at analysis convicts itself of carrying along with it the still simple conception.

2. The ultimate right is *immutable*. Ultimate truths are not the product of power, but must themselves condition all exertions of power. Power does not make the principles by which all power must be judged. No possible power can make it right that God, or angel, or man, should act unworthy of their spiritual excellency. Mutability of the ultimate right is thus an *impossibility*.

And still more, to conceive of any change involves the alternatives, either that it changes to somewhat that it is not and should not be, and thus changes from a right to that which is not right; or, that it changes to somewhat that it is not and yet should be, and thus that there was another right determining how the ultimate right should be changed. Mutability of the ultimate right is thus an *absurdity*.

3. The ultimate right is *universal*. As in relation to all ultimate truth, no one can appropriate it and say of it, this is *my* truth; but that same truth will also be truth for every mind that looks into the same ground, so, eminently of the ultimate moral right, it is the same to all. In reference to all facts of sense, every man's experience is his own measure. His own sensation is his

ultimate rule. The taste of wine, the size of the moon, the sound of a trumpet; these are what they are to me, and by his own peculiarity of organs all these may be very different to another man. But not thus with rational intuitions. Axioms in mathematics, principles in philosophy, rights in morals, are the same to all minds, when seen in the same grounds. It has sometimes been objected, to the reproach of ethical science, that quite contradictory actions have been deemed right in different ages. The Spartan may have approved of theft, while other people approve of honesty. But the Spartan approved of theft only when it was done so adroitly as to escape detection, and in this only as perfecting the man in the deceits and stratagem of war, which was looked upon as the highest glory of man. The same perverted view, looking into the same ground, would give to all the Spartan justification of theft. But never will there be approbation where the act is viewed in its own light, as the taking by one man that which is not his, from another who owns it. It is an indignity to the man from whom taken, and a debasement in the thief; and in that ground can receive from all only reprobation. And so with all moral obligations whatever, when followed up to the ultimate principle of debasing the rational spirit, no man can violate the obligation without remorse.

Every man thus knows that, in common with himself, every other man has the right to his own worthiness of character, and the imperative to sustain it; and hence, on ultimate grounds, there is no hesitation in fixing upon common obligations and holding to personal responsi-

bilities, for we know that all can be reached by the same Rule of right.

Its universality appears further in this, that the character of all, even of the Supreme Being, may be determined. Were right determined by the will of God, then that will itself would be undetermined in its moral character. But God himself permits and makes the appeal to the ultimate principle, determinative of his own action. "Shall not the Judge of all the earth do right?" "Are not my ways equal?" God perfectly knows his own excellency as Absolute Spirit, and that which it behooves him to do, and has thus the same Rule of right that is everywhere applicable. We have thus in a universal rule an occasion for a universal system of morals.

A few particulars may be here noticed; some, as direct inferences from what has been already gained.

1. *Rights can never clash with each other.* Reason is ever at one with itself, whether viewed in the personality of the Absolute Spirit, or in that of the finite spirit. That which is due to the rational spirit is ever the measure of obligation, and thus all ethical claims must necessarily adjust themselves in complete harmony, through the ever concurring and according rights of rational personalities. The finite as truly debases itself in all conflict with the absolute, as would the absolute in all subjection to the finite. Reason can never deny itself and put forth unreasonable claims, and hence no rights, of any number or degree of rational beings, can come into any collision with each other. The one rule makes all rights harmonize.

2. *The animal can possibly possess no rights.* The animal is every where thing, and not person; a being to be used, and not a user for its own ends; that which may have a price, but not a dignity. There is in the animal no intrinsic excellency, but only a relative good as subordinate and subservient to a higher end, and it can thus never have rights, or enforce them upon itself or others. It has appetites, not imperatives; end in happiness, not end in worthiness.

3. *The right in mathematics, and the right in morals can not be the one from the other, but only analogies of each other.* The ultimate truths in mathematics are wholly in another sphere than those in morals, and the mind does not transfer the one to the other. They can at the most only be taken as analogous one to the other. In mathematics the ultimate right is the *rectilineal;* and figuratively it may be said to make a demand in two particulars — one as opposed to a curve, and thus demanding that its production shall go from one point direct to another; the other as opposed to obliquity, and thus demanding perfect equality of spaces on each side.

And now the rectilineal may be said to be analogous to the ultimate right in morals, inasmuch as that demands the end of the rational spirit to be *directly* attained; and also in the second case analogous, inasmuch as the right in morals demands perfect *equity* in dividing between the rights of opposing persons. The rectilineal as opposed to curvature is an analogon of worthiness as opposed to happiness; as opposed to obliquity, it is an analogon of equity as opposed to partiality.

4. It is desirable here to note *some of the distinctions in mental facts which are used in moral science.*

This self-knowledge of the spirit, or the consciousness of its own spiritual excellency, awakening in man's rational nature an imperative towards that which is due to his own intrinsic dignity, and which moves in complacency for obedience and in remorse for disobedience, is *conscience.* The capacity, from this imperative of conscience to resist the impulses of appetite, and thus to possess an inherent spring to an alternative when the animal good allures, is *moral agency.* This causality of reason to act even against the cravings of appetite, and thus from the law of its own worthiness as ultimate end, is *will,* (*liberum arbitrium;*) and which wholly differs from animal will, (*brutum arbitrium,*) that can only go out in executive acts after strongest appetite or highest happiness. When the will keeps in subjection every colliding appetite, and is thus regnant over the whole animal nature, it is *free-will;* when it yields to the animal impulse, so as to make the gratification of appetite, or highest happiness, its ultimate end, and thus puts the whole executive agency under the domination of sense, it is an *enslaved will.* When this capacity of will goes out towards either alternative of happiness or of worthiness as ultimate end, it is *choice.* When this choice of ultimate end is in reference to the highest generalization of all human action, and thus the whole voluntary capacity is disposed either towards the end of the sense or the end of the spirit, i. e. happiness or worthiness, Mammon or God, it is *the moral disposition,*

giving permanent moral character. This differs wholly from constitutional bias, sometimes called natural disposition, and which results from physical temperament only; having no moral character in itself, except only in its constraint and subjection. When this agency, fixing upon its object as end, is contemplated solely as a subjective state, and not as going forth into overt action, it is *preference;* and when this has respect to objects beyond our reach, it is *wish.* In all these cases, the mental fact is peculiar in its own being, and the word should be carefully used as expressing its own precise meaning. The system is intelligently apprehended, only when its elementary thoughts are distinct, and the terms in which they are expressed are made precise.

CHAPTER IV.

GENERAL METHOD.

THE way is now prepared for a Definition and general Method of Moral Science. Morals, (*moralis*,) and Ethics, (ἠθικος,) both alike refer to that which pertains to the manners and conduct of men, and in a specific sense they include all which belong to responsible action. Moral Science is thus a systematic arrangement of whatever pertains to moral action. This system must be made to grow out of its own germ, and become an orderly and complete development from the controlling energy of its one formative principle. The entire germ is found in the *chief good;* and the ultimate Rule of right, originating in that, is the principle, which must run through and bind up within itself all the facts which, as elements, can become the constituent parts of a system of morals. MORAL SCIENCE is, thus, *the systematic application of the ultimate Rule of right to all conceptions of moral conduct.*

That, objectively, the excellency of the spiritual part of our being, and subjectively, the worthiness of spiritual approbation, is the highest good, there is at once given a ground for the ultimate rule of life, viz., that *all voluntary action should be held in subordination to the dignity*

of the rational spirit. The state of the will as permanent disposition, and the specific acts of the will as it goes out into executive operation, are all to be determined by the ultimate rule of life. Thus all *bodily* agency which is voluntary, the organs of sense and of speech and the members of the body, together with all the *mental* faculties which the will may control, lie within the province of ethics, and may be brought under the determinations of the Rule of right. Inasmuch as this ultimate rule is necessary and universal, and no result of any generalization of experience, so the system which it binds up within itself will be of no partial application, but determinative of how all moral experience *should be*, whether it any where be *actually* so found or not. We thus do not found our morals upon experience, but bring our system to the determining of experience.

The application of this ultimate rule must be our work, throughout, in the building up of our moral system; but this admits of an application under *two* aspects, which give two very distinct Parts to moral science.

Where the ultimate rule is itself directly applied to the subject, and this is expected to control for its own sake, and in its own interest solely; so that the man obeys, and holds all things in subserviency to the end of the spirit, from a pure regard to the worthiness of his own character alone; we have then the important Part of PURE MORALITY. Nothing brings its co-agency upon the mind in this part, as motive, but the sole consideration of the claims of spiritual excellency; and the obedience of the man is purely from a regard to what is due

to his own rational dignity. This is the first to be studied; and will be found to be a comprehensive and clear province, where from the intuitions of the reason alone, a wide portion of human duty and responsibility may be imperatively determined.

When the ultimate rule is applied to determine why and how far another may control me, and thus finds a foreign constraint laying its imperatives upon my action; this will involve a government in an assumed sovereignty, and hold me under obligation solely through the expressed will of the sovereign; and in this we shall have the no less important Part of POSITIVE AUTHORITY. This does not anticipate that pure morality will be sufficient for obedience, and that the gladness and freedom of a complacent worthiness will avail for perpetuated virtue; but that other influences must be added to keep the action within the designed control, and gain the end for which the authority has been assumed. This will next demand a full investigation, and present some of the most interesting and important methods of applying the ultimate rule to the determining of moral action. The two will exhaust the whole field of Moral Science.

Pure Morality, controlling the entire man for virtue's sake, admits of no varied form in the application of the ultimate rule, and hence this First Part of our work will not present any occasion for a division of its leading motive. The doing of the right, for the right's sake, is every where the only causality to action which is recognized in it. But Positive Authority has varied forms of applying its constraint, and demanding to be considered

under corresponding divisions. The obedience may be sought through the influence of pains and penalties, and thus the subject be viewed as wholly servile; and such will give the division of *mere Legality*. While again, the motive to obedience may be solely affection and reverence for the sovereign, and thus wholly cordial; and this will give the further division of *complete Loyalty*.

Mere Legality will introduce us to the consideration of *Political Government*, and the moral principles that must determine its action; and complete Loyalty will introduce to the consideration of the *Divine Government*, and the ethical considerations which must be found in its administration. These two, Legality and Loyalty, with their motives of hope and fear for the one, and of simple faith and love for the other, admit of a most peculiar and interesting combination in their action, upon certain subjects, to induce obedience; and which will introduce a third division to our study, under the form of *Family Government*. In these Divisions will be exhausted the whole part of POSITIVE AUTHORITY, and thus the entire field of Moral Science.

We have, then, our *General Method* fully before us, viz:

I. PURE MORALITY.

II. POSITIVE AUTHORITY.

1. *Legality, in Civil Government.*

2. *Loyalty, in the Divine Government.*

3. *Both Legality and Loyalty, in the Parental Government.*

FIRST PART.

PURE MORALITY.

I.

THE ESSENCE OF ALL VIRTUE.

In personal worthiness, as end of all action, every claim centers; and in the attainment and preservation of this, all imperatives are satisfied. In this is the ultimate right, inclusive of all rights; and submission to its constraint is that great duty which involves all other duties. The good will, in fixing *itself* upon this, and passing into the permanent disposition towards this, holds all other volitions in subserviency to this; and thus the comprehensive character of the person is that of a purely virtuous man. The sum and essence of all virtue is in this, and only so far as this is attained and perpetuated is there any virtue.

In this spring to all virtuous action, nothing of foreign coercion can be permitted to enter. Nothing external can hinder the proposing to myself my highest worthiness, as the ultimate end of my life; and though superior

power may control my action, and compel me to be used in subserviency to the end of another, yet not in this point that I should adopt his end of action. The end for which a man acts must be his own, and in this he can have no sharer. It constitutes his personal disposition, and must be inseparable from his personal identity. And as it must be his own, so it must be pure and simple. Solely that I may stand in my own sight as worthy of my own spiritual approbation, is the one motive which can influence in pure morality, and in the complete control of which is the essence of all virtue.

But this essential virtue may be said to have its conditions in several particulars.

1. *There must be pure-mindedness.* There can be no double-end, and no double-dealing to gain the end. That I may be worthy, I must be moved to the end of worthiness alone. If anything else mingle and blend in the motive, it must so far debase and degrade and make me to be unworthy. This pure simplicity of heart and guilelessness of spirit is the most lovely trait in every virtuous character. The clear, calm, full eye, and the whole countenance serene and sweet in frank sincerity, is but the diffused light of a pure mind through the windows of its temporary tabernacle; and this is still but a faint reflection of the glowing splendor of the spirit itself, shining out that it may know and approve its own glory. As no countenance can be fair except as brightened by candor, so no soul can be lovely and worthy, no character can be virtuous, which has not a pure-hearted simplicity and sincerity.

2. *There must be decision.* The most pure hearted sincerity will want the dignity and manliness of virtue, without the firm resolve and the strong will to carry the honest intention into execution. The loveliness of virtue is in its purity; but the strength and dignity of virtue is in its manly valor. The countenance of virtue is not only light with its calm eye and open brow, but its lip is firm and its look is steady. Every rising appetite that would debase the spirit, in its passionate gratification, is held back with a determined grasp; and a tight and steady curb is put upon the entire animal nature. The triumphs of human virtue never terminate here in a complete conquest. The conflicting appetites of the animal, though restrained, still exist; and the loose rein, thrown upon the neck for a single hour, may be the signal for their waking in untamed wildness, and plunging into the most ruinous excesses. There must be the element of a strong will, or all virtue is essentially defective.

3. *There must be independence.* That is not virtue which waits on another's help, or follows only another's example. Alone and single-handed, deserted and derided by the multitude, the virtuous man has still an eye just as clear, a brow just as calm, a look just as steady, and a step just as firm in the way of duty, as when the path is trodden by thousands at his side. What others may think, or say, or do, is nothing to him. The worthiness of his own spirit is to be sustained; and the clear conviction of what that demands, and the complacency which that imparts, hold him steadfast with no inquiry where the multitude are going. He speaks his own word,

I. DUTIES TO MANKIND.

CHAPTER I.

1. Personal Duties. *Self-control.*

By *personal* Duties are meant such as belong to one's self, and are due in each man's own worth to his own being. Inasmuch as my ultimate law of action is within myself, and is fully known in knowing myself, this will determine many things as due to myself, and in particular what these duties are. The ultimate Rule of highest worthiness will demand from myself the highest attainable perfection in all things; and this will apply negatively — that I avoid all injury by *self-control;* and also positively — that I secure all practicable improvement by *self-culture.* The first, under the virtue of *self-control,* will occupy the present chapter.

A moral *Law* is a rule imposed upon a man; a moral *Maxim* is a rule adopted by a man. Pure morality may make a certain maxim to be law, in the sense that it imposes upon the man the duty to adopt the maxim; but it is known as maxim, not from its being imposed by morality, but only from its being voluntarily adopted by

the person. Inasmuch as we are now to consider the duties which man owes to himself, we are virtually determining the maxims which every man should propose to himself in the regulation of his own conduct, and the most conclusive and consistent way of grouping the particular duties together, will be found by this application of the several distinct maxims which morality would make it incumbent on every man to adopt. Under the maxim will be appropriately classified the duties, and we shall use the maxim indiscriminately for both commanded duties and forbidden offences, and thus take occasion to introduce the virtues or the opposite vices, as convenience may dictate.

The grand maxim for this virtue of self-control, is, "BEAR AND FORBEAR." It will comprehensively embrace all the virtues included in self-control, although there will be an advantage in breaking up the general maxim into several less general, but which will each still include many duties.

1. "*Do thyself no harm.*" By this maxim, morality would guard all bodily members and all mental faculties. The physical constitution is, throughout, adapted to the grand end of the spirit, and for the highest worthiness of man his entire constitutional nature should be preserved inviolate. All over-taxing and straining any member or faculty; all enervating habits and careless neglect, which leave the body or mind to suffer; all injurious methods of dress or diet or general regimen, which bring any violence to nature; or, in fine, any acting or withholding to act, which weakens, deranges, or paralyses any portion

of the human system, are forbidden in this maxim, and are to be excluded as vices which are reproachful to man's spiritual dignity. All excessive indulgence, and all engrossing attention to business or study, whereby the physical powers become debilitated or disordered, are in like manner here prohibited. But beside these general applications of the maxim, we may introduce several specific topics of vices or virtues which are properly included, and which we will more fully particularize.

1. MAIMING. By this is to be understood any bodily injury or dismemberment which lames or disfigures the person. The polling of the hair, clipping of the beard, or pairing of the nails, may be demanded by comeliness or cleanliness, and the neglect subject to great inconveniences; and decay may make it salutary to remove a tooth, and disease to amputate a limb; and in all such cases the maiming may be a virtue, as really dignifying and not debasing the man. But whatever mars the human constitution, or would be a disgrace to the person in the circumstances, is forbidden. A man might lose his hair or a tooth, in the above view, with no disparagement to his moral character; but one who should shave off the hair or pull the teeth for a reward, would necessarily incur an indignity which morality would condemn.

Among more barbarous people, the practice of disfiguring and scarring the body, or terribly distorting and maiming it, is by no means uncommon; and any lingering habits of such violence, for forcing a more fashionable shape, or attaching artificial ornaments, are offences both against a pure civilization and a pure morality. Emascu-

lation, for purposes of improving the voice, adapting one's self to serving in a seraglio, or from a mistaken view of repressing occasions of temptation, is a most vicious degradation of manhood, and abhorrent to all moral sentiment.

2. Self-torture. All penances, mortifications, fastings and rigid austerities, by which health is undermined and the constitution weakened, are condemned by a pure morality as a vicious indignity to the person and an unwarranted invasion of the constitutional integrity. Superstition often exacts that which morality forbids; but a true piety never demands immoralities. It always exalts, and in nothing debases humanity. Constitutional nature may never righteously be violated for purposes of spiritual discipline. The Savior's announcement of the law of the Sabbath, is the divine example for all Christian ordinances, that it is made for man, not man for it. It is never to be pushed in its strictness to man's physical injury. Mercy, as a regard to constitutional welfare, is higher than sacrifice. The fasts and self-denials, that true Christianity enjoins, will rather invigorate than enfeeble the human system.

3. Suicide. The highest immorality against this maxim is suicide. In this the violence to constitutional being reaches to its utter destruction. Man's duty is to cherish and preserve life, not to destroy it. The instinct of nature is strong towards the preservation of life, and to guard against and ward off whatever may threaten it, so that the act of the suicide is most shockingly unnatural. It is sometimes asked, has not the

man the right to withdraw himself from the contests or the tedium of life, when life itself becomes a burden? The answer is a most decided negative, when the ultimate end of life is truly apprehended. Not happiness, and thus permission for voluntary release when misery becomes unavoidable; but spiritual worthiness, and which may be gained and preserved in any position, and in none more fully than amid disappointments, afflictions and bereavements. The claim is, to stand up in manly dignity and preserve the entire person, body and soul, in full integrity, keeping the spirit brave and pure while the flesh suffers, and not cowardly to fly the post providentially assigned because disasters multiply.

4. Self-defence. If I am to restrain my own hand from self-injury, it is my duty to ward off injuries to myself from other sources. The man would be immoral, who should unresistingly allow foreseen dangers to come upon him. This is quite clear, when the danger threatened is from nature, or from a wild beast. No violence done to nature, or to an animal, invades any rights which can lie in nature or an animal; and when this violence is in self-defence, my duty to myself demands it. There is no difficulty in self-defence where no rights are invaded.

But when attacked by a person, may I defend myself by assaulting and disabling him? I think the dictate of pure morality plain in the affirmative. If I only disable in self-defence, I may ever afterward regret that necessity as a misfortune; but if it has gone to the extent of taking life to shield my own, I shall not feel debased by

it, as any invasion of the assailant's right. He forfeited all his rights in the assault, at least to the extent of the injury he designed to inflict upon me; and if I only defend myself at the expense of a like injury to him, he has no right to complain, nor I any reason to feel self-degradation. It would have been unworthy of me to have passively assented to the injury, and allowed my own rights to have been wantonly and wickedly destroyed. The general maxim, "Bear and forbear," does not exclude the right of self-defence.

But is not Christianity against it? "Forgive your enemies." "Resist not evil." "If one take your cloak, give him also your coat;" "if he smite on one cheek, turn to him the other also." The full prohibition here is of revenge. Vengeance is the Lord's, not for any man. Where the injury is inflicted, let God avenge, not yourself. Rather let the injury be repeated, than to retaliate. Forgive him; do him good; "heap coals of fire on his head." This will melt and subdue, rather than vengeance. The whole spirit of Christianity looks at injuries in this aspect, and pure morality would do the same. Even in strict self-defence, the least blending of retaliatory vengeance would be unworthy of me, and thus an immorality. But self-defence may be, and should be, without revenge. The disabling of the assailant must be done solely to save myself, not to take vengeance on him; and with that spirit, even to the extent of taking life to save my own, I think that Christianity as well as morality will justify it.

2. "*Keep under your body.*" To permit the gratification of any appetite to become an end of life, is to allow the flesh to tyrannize over the spirit and bring it into a most unworthy bondage. No want, however craving, may rule over an imperative in man's spiritual being. The indulgence of such want would be a vice, not merely as inducing injury to the constitution and thus violating the former maxim, "do thyself no harm," but here, as a direct affront to the spirit, and immoral because unmanly. It would be the man prostituting the prerogatives of his humanity, and living like the animal. No tyranny is more degrading than when carnal appetite gets its domination over the reason, and the man sells himself in bondage to the flesh. There is no act so base that such a man may not do, and no vice so vile that such a man may not practice. This maxim excludes,

1. INTEMPERANCE. This more directly applies to an excessive indulgence in eating and drinking, though the term properly includes all immoderate gratification. Stimulating and pampering the appetite for food and drink, and then permitting this to control as an end in life to the exclusion of spiritual and moral claims, is a most shameful degradation. We do not need to look at it in the light of the evils it entails upon the man, and his family, and the community; sufficient for its deep condemnation as an immorality, when we see the baseness and the vileness of a spirit which consents to forego and sacrifice its own high prerogatives, and discard its claims to rightful sovereignty, that the body may be surfeited with riotous living.

In the case of strong drink another appetite is awakened, more raging and insatiate than the strongest thirst. The diffusion of the alcohol through the system awakens a wild but pleasurable excitement, and ultimately an uncontrolable desire to perpetually repeat the intoxication. The languor and collapse of the system after the debauch, is an insufferable pain to the drunkard, and nothing allays it but increased measures of the same stimulant, so that he is driven to the cup by an intolerable torment, as well as allured by anticipated gratification, and before these raging passions the spirit has sunk, hopeless of all recovery of its rightful dominion. A more pitiable, and at the same time a more contemptible condition among men, cannot be found, than that of the confirmed drunkard. The use of the stimulant, in the most moderate degree, is a door opened upon this frightful abyss, and thus all use is dangerous; and the most stringent reasons must be found for its being tasted, or it becomes an immorality. To tempt the dangerous way, by occasional convivial indulgence, is already a spiritual indignity that no pure-minded man would bear.

2. Licentiousness. This includes all illicit indulgence of the sexual passion, though every unlawful gratification is properly licentious. The perpetuation of the race depends upon this constitutional inclination, and hence the necessity and the benevolence of its deep and universal implantation in human nature. The consequences depending could not be safely left to weak impulses; but this very necessity, in the nature of the case, induces the greater danger of spiritual degradation and debase-

ment from it. Hence God, in nature, has surrounded it by the many checks and safeguards of the native modesty and precious estimate of virtue in the pure, the public disgrace and self-reproach which attaches to the impure, the most inveterate and loathsome diseases which follow in its train, and the debasing of every refined sensibility which follows on the loss of sexual virtue. By the positive institution of marriage, God has also tempered and regulated the sexual propensity, and tranquilised its impulses, so that, even in the necessity for its strength, it may be held by every one in legitimate subjection to the dignity of the spirit. Only in regulated marriage is sexual intercourse consistent with virtue, while all forms of fornication, seduction, prostitution, and adultery, are vices that terribly degrade and debase the immortal spirit. We look not now to the physical evils attendant upon licentiousness, and which greatly aggravate its immorality; but the conscious vileness of the spirit of the debauchee is his own perpetual monitor of the viciousness of his practice. The presence of virtue and purity is a perpetual reproach to him.

8. Ambition. This, when understood in a bad sense as a vice, includes an inordinate desire for power and control over the actions of other men. To seek power and attain it for the ends of spiritual worthiness, if it be called ambition, is a virtue. It becomes a vice when the power is desired as a lust of aggrandizement, or as a means of ministering to any other constitutional appetite. It is the putting of the false dignity and honor of popular distinction in the place of that which truly digni-

fies and ennobles the spirit. It is thus the same vice as before; putting under the spirit and not the body.

The consequences of inordinate ambition have been always dreadful in the world; oppression, cruelty, war and bloodshed. But the great vice in the eye of pure morality, is the exceeding degradation of the ambitious man. In the midst of all his proud triumphs, and the servile homage and flattery he is receiving, his own spirit is conscious that it could not come into the presence of a truly glorious and dignified soul, without a sense of self-contempt and conscious unworthiness. None of his honors will bear uncovering in the presence of his own spirit. When he must retire alone and commune with his own conscience, he knows that he is not only naked and empty, but debased and unworthy. He has not pursued such ends as give spiritual dignity, but he has discarded these ends for sensuous cravings, and gained only vanity and self-abhorrence before his own judging and awarding spirit.

4. Covetousness. A man may covet any possession, but the term applies to an avaricious disposition, seeking inordinately to amass wealth. It need not be dishonest in attaining, but it is putting wealth, however attained, as the end of the active life and not the worthiness of the spiritual character. Wealth may consist in any possessions of property, but more especially in money as the representative of all property. In the avaricious desire for money, the baseness of covetousness more specially manifests itself. It comes to transfer its idolatry, from the objects which might minister to sensual appetite to

that which is only their representative; and ultimately to that, not as the representative of anything it means to take in exchange for it, but for the gold itself, and sordidly hugs the treasure not in any anticipation of coming enjoyment, but solely in the avaricious lust of possessing money.

How debasing is this vice may always be seen in its effects. It swallows up and absorbs all other emotions. The miser lives and feels only in his gold. Want and misery in any form may present themselves, but his heart is callous to all distress. He denies himself all the comforts of life, and barely subsists in the use of the plainest necessaries that he may daily add a little more to his large accumulations. He not only loses all nobleness of spirit, but more than almost any other vicious man loses the apprehension of what real spiritual dignity is. The inner light has so nearly gone out, that he seems to have lost all consciousness of his degradation in the loss of all apprehension of what is due to his spirit. His reverence is gone; his sense of self-respect is gone; his moral shame is gone, and his whole sentient being has become almost as torpid as the gold he worships. This is the ultimate goal of avarice, and discloses how detestable a vice it is.

3. *Rule your own spirit.* The spiritual in humanity is degraded whenever it submits to have ends imposed upon it, and yields itself blindly to the dictates of another. Self-possession and self-direction are essential to virtue; and the obligation, to take upon himself the control of *his own* conduct, and sustain his own spiritual worthiness,

is inalienable from man. No one can rightfully give up this responsibility to another, and no one can rightfully assume it for another. The true dignity of man's spiritual being can be sustained in no other manner than by proposing to himself his own ends, and resisting to the last extremity all interference with this inalienable prerogative. There can be no question allowed as to whether he may not live longer, or avoid more care, by allowing his spirit to be ruled by some other agency than himself; the assent to such dictation is a renunciation of the prerogatives of personality and consenting to become a thing, and thereby an attempt to abdicate the authority of his own rationality, than which nothing can be more debasing. It is man renouncing his manhood, and voluntarily taking the place of the animal, to be used by others.

The submission to the claims of a righteous debt, complying with the conditions of a contract, or yielding to the demands of righteous authority, is no renunciation of the control over my own spirit; for in each case I see the rule which binds my conscience, and which it would be unworthy of myself to disregard. But to sacrifice the authority and integrity of my spirit, by allowing outward circumstances or other persons to impose their own ends upon me, would be feloniously to destroy my moral self, and make it better for me not to have been born. Better not to have had the rights and responsibilities of a person, than in having them basely to surrender and alienate them.

This maxim stands opposed to,

1. SERVILITY. This includes not only the assent to be a slave and obey a master who regards only his own ends, but all mean submission and cringing or fawning sycophancy. To put myself so under the control of a military leader, that I cannot comply with the claims of morality and religion; or, to surrender my soul to the keeping of any minister of religion, that he may direct my faith and determine all my devotional service, which I only blindly adopt from him; or, to yield myself to a master, who consults his own pleasure and uses me only for his purposes; all these would be openly renouncing my manhood and giving away my personality, and would be most severely condemned by morality.

But much more comprehensively, this maxim excludes very many unworthy exhibitions of a slavish spirit among multitudes who would claim the dignity of freemen. Many shrink from known duty before the opposition of power, or a perverse public sentiment; others yield to custom, and follow the fashion in matters of a moral bearing, and thus renounce their own judgment for the caprices of the multitude; and others identify themselves with some party, and give up opinion and practice, measures and influence, entirely to their control and direction. Private judgment is renounced, and personal responsibility discarded, and men thus become the mere drift-wood on the current which others are controlling.

Servility, also, often takes the form of hypocrisy, which conceals real convictions, or makes pretence of such as it has not, and dare not stand out in open acknowledgment of its honest sentiment; it shows itself

in cowering before arrogance, in flattering to get favor, in ostentatious humility to procure praise, and gratuitous self-disparagement to induce undeserved commendation; and in all cases manifests a want of manliness and dignity highly derogatory to a rational spirit. The man does not rule himself, but he allows other things to rule him. He is a mere trimmer and time-server, or a mere tool in the hands of others, with no self-decision and manly independence.

2. VANITY. This, as the name imports, is mere self inflation; making large assumptions and speaking "great swelling words," when the real character is empty of all solid attainments. It abundantly manifests a want of self-possession, and consents to exchange that self-complacency which a spirit that rules itself worthily acquires, for that self-conceit which self-ignorance induces.

This also appears in divers forms. Persons may overvalue particular qualifications or possessions, and show a false pride in their beauty or strength, their talents or station, their dress or equipage, while disregarding all obligation to attain such real excellences as would adorn and ennoble. There is often exhibited a thirst for popular applause, which is most reproachful to all true worth, by thrusting themselves forward on all occasions; obtruding upon public notice in most conspicuous positions, and making lofty pretensions; turning conversation upon themes which will give prominence to their deeds, or occasion to gratify a perpetual egotism; and a boasting demeanor, which vaunts of their success and parades their possessions, despising the unfortunate and throwing

contempt upon all their competitors. It is in one respect more unfortunate than most vices. The vain man cannot refrain from his perpetual ostentation, and yet he can no where show himself without exposing his emptiness. It necessitates the contempt due to all destitution of worth and dignity.

3. JEALOUSY. I use the term here to cover a wide region of vicious manifestations among mankind of a spirit selfishly greedy for its own indulgence, and malevolently averse to all enjoyment by others. It may have other names of envy, hatred, malice, revenge, etc., according to the different circumstances of its exhibition and degrees of intensity.

We not seldom find those who habitually dwell upon their own wants and woes, and magnify their own misfortunes and afflictions, and set over against their poverty and hardships the abundance and enjoyment of others, and thus keep themselves in a perpetually peevish discontent and petulant complaining. Their fretfulness drives away all confort, their murmuring excludes all gratitude; and they cannot enjoy what they have, because some one has received so much more; nor sympathize with any other's distress, because their sorrows have been so much greater. Such a temper ripens on to a more gloomy and sullen discontent. It broods over real ills or imagined injuries, and thus nurses a spirit of misanthropy and malevolence, which either rankles in secret hatred, or comes out in fits of anger and revenge. The evils to himself and others abundantly show the vice of a jealous temper, and the inveteracy of such a habit,

once formed, testifies that "greater is he that ruleth his own spirit than he who taketh a city."

4. False-honor. When a man looks steadily at his own spiritual being, and completely knows himself, he will have a true estimation of what is real dignity and worth. In the apprehension of what is the intrinsic excellency of humanity, he will see at once what is due to himself, and what is due from himself to others. True honor will be found in that course which secures his highest spiritual worthiness. But when a man turns off the eye from his rational spirit, and looks out upon popular opinion and public estimation, and deems that to be honor which gives him reputation among the multitude, he has come to an estimate of personal dignity most false and really degrading. His honor is not worthiness, but popular repute; his standard is not inward excellency, but human opinion; and instead of ruling his own spirit, the conventional maxims and factitious customs of the society where he may happen to dwell will rule him.

This is a great immorality, and leads to many enormities. The man soon becomes most morbidly sensitive to the application of the outer standard, since he has no clear apprehension of the standard within; and he is jealous and resentful, arms himself to protect his false dignity, and challenges his friend and meets him in deadly combat, to keep himself in countenance with the society about him. He kills his friend, or lets his friend kill him, for public reputation; but he has no courage to face public opinion for inward worthiness' sake. The whole immorality of the quick, fiery, resentful, duelling spirit,

so rife in some portions of society, is best seen in this very point. There is no judging and ruling of the spirit by the spirit's own worthiness, but subjecting that spirit to the perverse estimation of the populace. Such honor is the spirit's greatest indignity.

CHAPTER II.

1. Personal Duties. *Self-culture.*

It is not a sufficient fulfilment of our personal duties that we control ourselves from all that will induce harm; we are morally bound to advance to as high a degree of perfection as is attainable, and improve ourselves in all things as we have opportunity. This perpetual and complete self-culture of every bodily and mental faculty is due in the right of our own spiritual being, and it is unworthy of any man to neglect any portion of his person which admits of improvement. The general maxim is, — Secure a complete self-development. The moral force of the maxim appears in the following considerations.

Every germ expands to maturity through the energizing of an inner vital force, and no unfolding from the outside should be called a development. Each living germ has its own rudimental forms within it, and the living energy works, as occasion is given, through these forms, and thereby induces a growth according to the law within the subject itself. The conditions being given, the whole growth takes on an orderly and symmetrical progress to its consummation. The rudiments expand in organic unity until the inner force has exhausted itself, and then the plant dies as the result of its own maturing.

An immortal energy might perpetuate an eternal growth. Nothing new can be inserted in the germ; the vital force, the determining form, and the rudimental elements are already given, and the culture can be only outside appliances to occasion the development of what is now within.

Plants and animals are subjected to such conditions as the connections of cause and effect in nature throw around them, and must thus grow to maturity under a necessity of both external influence and internal experience. But, to man is given a capacity to superintend himself the entire development of body and mind. He can add nothing to the rudiments already there, and can change none of the inner forms through which the working of the vital force shapes the growing product; yet can he supply fitting conditions, and exclude such as are unfit, and perpetuate these through all the process, and thereby bring out completely and in due proportion all that has been given. And here applies the whole stress of the imperative in the above maxim. So select and apply the outward conditions, that all which is given in the man may be perfectly developed. A wilful or a careless neglect secures a deficiency or a deformity, and this perpetuates itself in all subsequent being, and beside the reproach of the perpetuated physical deformity, there is an eternal debasement from the moral delinquency.

This general maxim, which binds every man to the duty of self-culture, may best be apprehended in its ethical claims, by considering it as it divides itself into several other maxims less general and yet including each

many specific duties under them. We shall here, as before, include promiscuously virtues to be practiced and vices to be avoided.

1. "*Grow in stature.*" This maxim includes the entire physical development of the man, and demands that he be not allowed to grow up like the wild ass' colt, but under well-regulated training and discipline that shall secure, as far as practicable, a sound mind in a sound body. All the appliances which experience and sound judgment have found to be salutary should be induced, and all that is deleterious averted. This is especially important in childhood and youth, where the whole constitution is the most susceptible, and the impressions made in it the most enduring. From a vicious neglect in this respect, many children die in infancy, and many others drag on a sickly, deranged and deformed body through life, the whole misery of which is chargeable to the culpable neglect of their physical education. Much mental imbecility, indecision and irresolution, and even cases of mental derangement and idiocy, find their cause in the treatment received in the cradle. The whole type of the physical character shows ever after the effect of the earliest applications to it.

The parent, it is true, must first and earliest stand responsible; but with the first dawnings of discretion and accountability, the child should be made to feel the importance, and to act under it, of a careful regard to a healthy and orderly physical development. Very early, responsibilities begin to rest upon the person himself, and any injury done to the health or the constitution, by the

child's presumption or carelessness, is a vice as truly lying at his door as the consequences are certain to enter in to his experience. There is here embraced a careful regard to,

1. DIET. The earliest nourishment which nature provides from the mother, may be so vitiated as to give a perverted appetite, a diseased constitution, or an early death. The whole future experience of an immortal being very much depends upon its salutary sustenance and nourishment for the first months of its existence. The carelessness or viciousness of the parents may thus go down to the third and fourth generation of their children. The mother may poison her own blood by her practices, or the child be fed on the milk of animals which has been poisoned by their food, and no excuses of convenience or interest can any more expiate the guilt than they can remedy the mischief of the conduct. A misplaced tenderness and fondness is also ruining many constitutions in their infancy and childhood, by an indulgence in crude fruits, confectionery, pastries, and other so called delicacies, and though pleasing to the child in the indulgence, is to be terribly bitter in the subsequent experience. And through adult life, beside the indignity of pampering appetite, and living only to eat and drink, there are the certain consequences upon the constitution of what we eat and drink; and all unwholesome diet, all surfeiting and drunkenness, reaches and dishonors the spirit by deranging the tabernacle in which it dwells and the only organism through which it can act. The imprudences and excesses in diet and drink disfigure

and derange more bodies and destroy more lives, among the successive generations of mankind, than the combined ravages of war and pestilence.

2. Dress. Nature clothes the animal for the climate where it dwells; but the unprotected body of man must be clothed by his own care. The end of all clothing is protection, and incidentally the ends of comeliness and adornment. Modesty and comfort are first to be subserved, and these can never be sacrificed to fondness for fashion or love of display without an immorality. While modesty will always be compatible with the dress which is also comfortable, fashion may often violate both; and when it does either, no purely moral person will follow it. Dress is often so worn as to cramp and deform the person, or made of so slight and frail a texture as to fail of proper protection, and in each case the duty of the maxim is violated, and health sacrificed and life endangered. Especially is female dress liable to come within this moral censure, and much health and many lives are annually sacrificed by it. How unworthy a rational spirit, to sacrifice the temple which God has fearfully and wonderfully made for it, to an empty and vain passion for popular custom and a gay show! Elegance and taste are greatly violated where modesty and comfort are sacrificed, and no fashion can really make that dress becoming which belies the very ends for which dress is worn at all. Protection to the person, good taste, and pure morality, will always readily combine in the same garment.

3. Exercise. To the young, life is a perpetual motion. The necessary sleep is no sooner over than the increasing activity again begins. Every constitutional faculty is augmented and perfected in its own exercise. There is no healthy and vigorous growth, in the animal constitution, without activity and exertion. This becomes less impulsive and sportive as age advances; but so long as the spirit dwells in the body, it will demand for its own sake that the body be used, and so long as there is life in the body, will the well-being of the body demand action. An idle man or a slothful man will not long remain a vigorous man. The child needs the air and the sunshine, as well as the plant; and the strongest constitutions, the most hardy men, are those who have grown up in active employment in the open winds of heaven.

A sedentary employment, a student's occupation, should be regularly interrupted by periods of vigorous out-door exercise. The culture of the mind is falsely sought by perpetual application, and leaving the body through which it must act to enfeeble itself in inaction. It will be no honor to the spirit, to plead a perpetual devotion to its culture, if there is a neglect of the bodily organs, through whose healthy functions alone the cultivated spirit can come out in communion with man and nature. A credulous or conceited application of some peculiar gymnastic exercises, as well as dietetic observances, may be cherished and practiced, and harm be done to the body by its unadaptedness, as well as dishonor to the spirit by its foolishness; but past a doubt,

many diseases and deaths had been precluded, and many otherwise mortal disorders may now be removed by judicious and regulated bodily exercise. It is better than medicine; it is really very much the efficient in many far-famed methods of dealing with chronic diseases, combined with a regard to regular sleep and diet.

4. CLEANLINESS. Filthiness of person, dress and dwelling, is a vice in itself, and a reproach and indignity to the spiritual being of man; but it also interferes with the health and perfection of the body. A refined sense might be repelled from a dirty dress or dwelling, before its foulness had attained to such a degree as to injure health or endanger life; but many a lingering disease is induced or aggravated, and many a death hastened by the foulness of the apartment in which the person takes his food and sleep. The body, as well as the mind of the child, will mature more perfectly, the more cleanly are its habits, and the life of no adult person can be passed in slovenliness and filthiness without debasement to the spirit and detriment to bodily health and soundness. Cleanliness of person and dress, and neatness in and about the dwelling which is the home of a family, reward themselves in the refinement and elevation they induce, and the buoyancy and vigor of health they impart; and no parent is fulfiling his moral duties to himself or to his family who permits himself or them to be habitually uncleanly.

2. *Grow in practical knowledge.* We restrict this maxim to the cultivation of the faculty of judging accord-

ing to the sense. What this limited province is, may be apprehended from the following considerations:

Animals learn from experience. They have found consequences in certain connections, and have thus come to expect their recurrence. They may thus become prudent in conduct towards themselves, and kind in their actions towards others. Some animals exceed others in attaining these facts of former experience and making deductions from them, and the highest often manifest surprising sagacity and become, in no small degree, inductive philosophers. Because the animal can deduce conclusions as to what will be from what has heretofore been, and arrive at judgments from the data given in sense, we may say that the animal may attain knowledge. But the animal cannot carry up its data to any higher point than sensible experience. There is no capacity for apprehending necessary and universal truth; no power to intuitively see axioms and *a' priori* principles; and thus no capability to carry up its deductions beyond the data given in sense, and make its logic strike its root in the reason. Its deductions are all sensible, and in this it has *knowledge;* they are never based in reason, and hence it has no *wisdom*. If we apply the word wisdom to any animal sagacity, it is always in the inferior sense of cunning, and not that the animal can ever become the sage. It uses an understanding which it has, and not the reason which it has not.

Man, also, as participant in the animal faculties, has an understanding which judges from the data given in sense; and as his animal faculties, though the same in

kind yet in many respects superior in degree to the brute, can be made the more comprehensive, so he can attain to greater knowledge. He can observe more extensively, and deduce general consequences more accurately, and thus attain to broader and more safe prudential rules of action. And here comes in the duties enforced by the maxim, "to grow in knowledge." Man's spiritual worthiness demands that he make the most he may of his animal understanding. The events transpiring around him are not mere floating appearances, occurring and passing away with no important bearings upon human interests, but that which has been is an index how it may again be; and thus nature is perpetually teaching every man through his experience. An instructive book is directly before him, and he is bound by his highest worthiness to study therein daily, and gain practical knowledge. He is bound to thus learn the way to do good to himself and others, and how also from both himself and them to ward off evils.

It is by thus cultivating the faculty of the judgment, that we become prudent and skilful. This perpetual flow of events passes on by us, throwing upon ourselves and others the commingled good and evil which the current bears along, and as we habituate ourselves to judge of what is coming from what has passed, we know how prudently to direct our own conduct, and how to propose that which is useful for others. This power of practical consideration and ready tact to seize upon the proper means in the right time, gives an executive skill which we sometimes term *wisdom;* but to mark our dis-

tinction of it from the attainment of the cultivated reason, we call it *worldly* wisdom; a skill in safely and effectively using natural occurrences. No man becomes thus worldly wise who does not habituate himself closely to observe men and things, and keep his eyes constantly open upon what is passing around him. A clear, far-reaching foresight, is the result of careful discipline and patient practice. To one it may come more readily and more perfectly than to another, but a sound and safe judgment is in all cases the product of careful and cultivated industry. An endowment of native wit is essential to any cultivation, but however richly endowed, the talent will lie hidden and unimproved, if not put out to use. The maxim carefully practiced will exclude,

1. Stupidity. This is not often so much a defect of nature as of moral energy. It is only of this last description that it is here used; for what is a natural defect, morality does not recognize. By sensuality, laziness, or a torpid indifference to consequences occasioned by a phlegmatic temperament, a man may so neglect all exercise of the judgment as to become stupid and doltish. If the mind will not awake to observation, and habituate itself to draw conclusions from facts when observed, the capacity of judging will become weak, and the man properly incur the name of a blockhead. Many a person, with native faculty for much influence and usefulness, allows himself to become a dunce in stupidity from his own sloth and vicious indolence. Experience makes him no more worldly-wise, for in his torpid forgetfulness he never draws any practical conclusions from what has

been. He sleeps and wakes, eats and moves, when he moves at all, from appetite and natural impulse, and is the creature of habitual indulgence of wants, without knowing to apply the corrections of general rules. Opportunities of good pass by, which he never sees, and evils come thick upon him, which he had not anticipated. The brute is often less stupid than such a man, and would both avoid evils which come upon him, and gain benefits which he never attains. This is stupidity in an extreme degree, but all approaches to it are in their several degrees so far vicious as there is the neglect of self-culture, and thus bringing an indignity upon the spirit.

2. Heedlessness. This is rather occasional forgetfulness, than perpetual foolishness. The man allows his attention to be engrossed with the matter in hand, and so fixes his mind upon a limited number of facts, that the wider stream of events bring their consequences to him quite accidentally. While he was looking at some things, and perhaps narrowly enough estimating their connections, there were other things outside of his narrow vision which came unexpectedly, and of course to him quite unpreparedly. To all, it may be true, that nature brings consequences quite unforeseen, but when these are obvious to an attentive mind, and only strike us suddenly because we were busied with something more limited, we properly incur the charge of heedlessness, however attentive we may have been to something else.

This short-sightedness may be allowed to grow into a habit of general carelessness, and which will induce all

the evils of stupidity; but such absorption in any one thing as to neglect the consequences that must flow from many other things, and especially to put in operation a train of events ourselves, that bring evil upon us on one side because we only observed the connections on the other side, will manifest a want of self-culture that morality must decidedly condemn. Beside the smart of the unexpected evil, there is the conviction of indignity and ill-desert in our heedless subjecting of ourselves to its infliction. A better culture of the judgment would have anticipated and averted the evil, and it was a vice in us to have tolerated the heedlessness.

3. Rashness. This differs from the above, in that it is a hardy daring of the consequences, seen or unseen. The man is so intent on a particular end, that though he may have abundant occasion to anticipate evil consequences, he determines to risk them, and recklessly persists in his course till the blow falls. It is usually passion blinding the judgment, and the appetite rushing on to gratification in the discarding of all prudence.

This is a deeper vice than heedlessness or stupidity, for it manifests a more desperate depravity, that will gratify passion at whatever expense. It directly assaults the judgment, and stifles it. It will not be controlled, and hence it will not be warned.

Nature may do its worst in its connected consequences, but its own way the appetite will have. Its impulse is all that controls, and the rule of expediency is contemptuously disregarded. Here is both the neglect of self-control and the want of self-culture, in having allowed

the domination of the appetite to become so strong, and the dictates of the judgment to be so inoperative. No one may thus make a mockery of all prudence, and go on in defiance of all consequences without great moral guilt. He refuses to know what he might and ought to apprehend, and what he does know he recklessly disregards, and greatly degrades his humanity. A phlegmatic man, in his carelessness, will probably be stupid, and a sanguine temperament, in his carelessness, will probably be rash.

4. Credulity. The man of weak judgment is very liable to be a credulous man. If his temperament is ardent, he will be hopeful; and as he has no safe deductions from facts, he will weakly take his anticipations from his wishes, and be vainly expecting good when evil is near. He is conscious of his incapacity to deduce clear conclusions, and he fondly takes what others say, as more probably true than any opinions he may form. Oftentimes such a man indulges in idle speculations and dreamy fancies, and empty castle-building in the air; and this credulous conceit finds no check from sober thought and sound judgment, but a weak imagination runs riot without control. The opposite to this is,

5. Scepticism. There is a scepticism which is preliminary to all true science, a cautious state of mind because the man knows how readily human judgment is biased, and how easy it is to come to conclusions from insufficient grounds. He will not take on trust, but induces doubts for the sake of more complete investigation and ultimately more thorough demonstration. But a weak under-

standing distrusts its own ability to judge, and with a desponding or melancholic temperament, is predisposed to distrust the judgments of others, and is thus sceptical in all things. He doubts for no good reasons, but solely because doubt has been made more habitual to him than belief, and he has not sufficient force of understanding to cure himself of it.

Both of the above, the credulous and the sceptic, have a like want of confidence in their own judgments, and are alike weak-minded, and their difference arises only from varied temperament, or the action of opposite outward influences. They both neglect the cultivation of their understandings, and bring great dishonor upon their spiritual being, and are alike vicious in the judgment of a pure morality.

6. Destiny. Quite akin to the two last, is that weak judgment, which, having no confidence in its own opinions and conclusions, flies to fixed fate and destiny, as determining all things for the man blindly. It may be sombre, and all things destined to be adverse; or it may be bright, and all things destined to be prosperous; but in either case, the issue is expected, not because any clear connection of cause and effect is seen, but in the absence of all apprehended connection, a dependence is placed upon some mysterious destiny to work out all results. There is no mounting to an absolute spirit, who uses all causality as his creature, and in his wisdom appoints the movements of nature's causes as the indices of his own intelligent designs, and which would require clear and vigorous thinking; but the whole is an escape

from all thought, and fondly or fearfully leaving all things in their own ignorance, to some fatuity that determines its issues for them.

This is the vice of neglecting self-culture and leaving the understanding in its weakness, as in the former cases, and equally an indignity to that authority within, which enjoins such a use of the faculty of judgment as to grow in knowledge by it.

3. *Grow in rational wisdom.* By this maxim, it is intended to express the obligation which morality lays upon every man to cultivate the exercise of his reason, and directly to discipline the spirit in all the functions of its activity. The result is a much higher and purer cognition than any cultivation of the judgment can alone attain. It is wisdom, emphatically; that knowing which is not a rule of prudence to some further good, but a direct knowing which is a good as end in itself. It is the consummation of self-culture.

The animal, whether in brute or man, has attained to its ultimate point of cultivation, and reached the consummation of its nature, when it is brought to apprehend and observe the rules of prudence and kindness as generalizations from experience. The faculty judging according to sense is the highest endowment, and when that is fully developed the animal part of our being is maturely grown.

But man is also rational spirit, and in this is a far higher endowment. This gives capacity to apprehend necessary and universal truth; not general deductions from data given in experience, but absolute principles

which must determine for us our experience itself. It is only in the possession of such a faculty that man is capable of self-knowledge, self-direction, self-instruction, and self-approbation or remorse. The animal can no where attain to it; the human possesses it in the endowment of a rational spirit. After what has before been shown, we need only cursorily look at the duty of self-culture in the province of the rational spirit in its three grand functions of operation:

1. TASTE. Man can create his own pure forms which express for him living sentiment, and can thus in his mind's eye apprehend every beauty. These created forms are *to him* perfect ideals, and he can recognize no outer beauty so perfect as the patterns he has within himself. By these he judges of all beauty in nature or art, and as he can intelligently apply his own ideal archetypes, he can intelligently criticise any copy in nature or art. But this capacity to originate pure forms of beauty may be greatly cultivated. By the study of beauty in nature, and as expressed in the products of other artists, his own mental eye becomes clearer, and more perfect ideals project themselves before it as the creations of his own genius. He thus mounts to a higher point of criticism; and as an artist, rises to a higher style of execution in his copies from his inner more perfect patterns.

Thus is a man competent to cultivate his taste, and to bring himself and all that he may control more completely under its dictates. He becomes the more refined, and makes all about him to be more beautiful. Society thus adorns itself in the elevation of its own members,

the refinement of their pursuits and the elegance of their products. Such cultivation is a virtue. It perfects what is in man, and makes him intrinsically more excellent. Not because he is happier, but because he is higher in excellence, and more worthy the commendation and acceptance of reason. As an object of simple contemplation in the end of the reason, he is thus a more dignified and excellent being.

2. Science. Man can attain to universal axioms, and carry out his pure intuitions to necessary conclusions in geometry; and can rise to universal principles and carry out the necessary connections in a nature of things, and attain to demonstrated truths in philosophy; and can thus cultivate a pure science in mathematics and physics. He may thus commune, not with nature only, but with the Creator of nature, in those principles which were in the Divine Mind and which determined the Eternal Wisdom when, ere creation was, he purposed that it should be.

Such attainment of truth, and the subjection of appetite to the study of it, elevates man, and he rises from animal happiness, not alone to the refinement of taste, but here also to the dignity of science. He is so much the more a man as he has cultivated and brought out his manly prerogatives. His pursuit of science for the end of philosophy itself, is a virtue. The cultivation of his scientific reason has rendered him the more excellent, and thus the more worthy of his own spiritual regard.

3. Morality. Man may know himself, and thus apprehend what is due to himself, and thereby attain to

an ultimate rule of life for his own direction. He may also carry out this ultimate rule in its application to all men, and determine what is due from each to each, and from one to all, and thus attain a universal science of morals. He may bring his own heart and life under this ultimate rule, and strive to persuade all men to follow the purely right and good. To *be* such as the claim of his spiritual excellency demands is his highest moral worth, and therein is he worthy of his own acceptation and that of all other moral beings, and in that position is his highest dignity. Morality is fulfiled, and virtue consummated, and reason satisfied, when man has cultivated his spirit to its highest worthiness. Here is the end of all self-culture.

CHAPTER III.

2. Relative Duties. *Kindness.*

We here contemplate man as in society, and seek for the duties which one owes to another. All participate in the common prerogatives of humanity, and thus the duties of every man are included in the great end of all pure morality, that highest moral worthiness be attained. But this is now to be contemplated not as it is when man is in a separate condition, but as he is one of the race with other men; and thus the maxim for each must have reference to his relations with all, and no man may be allowed to take for his maxim such as could not admit that it might be universal. That which is reasonable for one man cannot run counter to the universal reason for all men, and thus no one may propose as end to himself that which would not admit that all other men should propose the same. All countervailing, in any one, that which should be universal maxim, would be setting up some other end for himself than the excellency of the universal reason, and thus subversive of universal reason, and thus finally dishonoring himself in acting unreasonably. So deep in universal reason lies the divine maxim "whatsoever ye would that men should do to you, do ye even so to them."

Under this head of relative duties we have, therefore, to find and embody such maxims as each man should wish all others to adopt towards himself, and under these will be found what every man should adopt towards all. This will give a universal system of social moral duties. It will not be essential to particularize all that might be introduced; the maxims will include all duties, and several will be specified as examples of any others.

If we contemplate man in his constitutional appetites as the creature of *wants*, and thus finding an end in *happiness*, he will find occasion to render the same kind offices to others, that he might, in like circumstances, wish should be rendered to him; and in this there will be the universal duty of *Kindness*. If we contemplate him in his intrinsic spiritual excellency as the creature of *rights*, and thus end in *worthiness*, he will find the obligation to regard others with the same respect and reverence as his own spiritual excellency claims from them, and in this there will be the universal duty of *Respect*. These two will embrace all social duties.

We take in this chapter the comprehensive law of *kindness*, and give as its general maxim, "DO GOOD TO ALL MEN AS YE HAVE OPPORTUNITY." This will divide itself into other maxims less general, under which may be noticed several specific duties; including, as before, promiscuously virtues commanded, or vices prohibited.

1. "*Owe no man anything.*" No man can stand entirely independent of others. He must live in society, and be perpetually receiving something from the community in which he dwells, either as individuals or col-

lectively. It would be unworthy of any man to discard all good offices from others, and in a false pride of self-sufficiency determine to acknowledge no obligations to his fellow-men which demand from him good offices in return. Society is thus bound together by mutual wants and interests, and no one may say to another, "I have no need of thee;" and the force of the maxim is, to repay to individuals and to the community that which is an equivalent, or at least that which evinces an acknowledgment of indebtedness. It may be wholly impracticable to enforce such returns of good deeds by any outward authority, or coercive measures; but the claims of morality are imperitive that we do that good to others which repays, or requites by an acknowledgment, the good that has been done to us. This is not here put upon the ground of equity alone, which would constrain from the sense of respect for the rights of others, but rather on the ground of kindness, as one way in which we are bound to do good to our fellow-men. We are to pay them that which is due, not only as a matter of justice, but as one of the ways of showing kindness. They need such returns; it does them good to receive, and morality thus requires it as within the scope of human beneficence. The debt is paid with the warm spirit of a sympathizing interest in their need.

1. Honesty. It is not only unjust, but also unkind not to be honest. Many a child of want has been left in suffering when the honest debt paid would have relieved from distress; and many a wealthy and powerful man has been put to great inconvenience, because

the service expected and paid for was not rendered. In the most emphatic sense may it be said, that morality demands the kindness which has already been made obligatory by previous kindness received.

We may thus be in debt for money, labor, in barter, for kind deeds or kind words; a sympathizing look or a cordial smile may have most touchingly obliged us; and the law of kindness demands that we repay the good deed by other good deeds in return. A debt is thus incurred, by the reception of such favor, that cannot be cancelled by anything else save the same kindness in some manifested form of reply. Justice might be satisfied in imparting some equivalent, but to the benevolent spirit which had conferred the obligation, nothing could be an equivalent that did not come warm with the exhibition of mutual good will. Though a benefactor ask no return and urge no claim, it is not honest in the beneficiary, if the opportunity is not sought to do some good which shall unequivocally express his sense of obligation for the kindness. Wherever there is a debt, there is an obligation from the received good that must be cancelled by goodness, and the maxim will leave no moral man at rest until it is paid.

2. Reciprocity. Not only will kindness be honest, and render back the good deed by equal goodness, but it will show itself open to be obliged, that its own benevolence may thereby be the more stimulated and cultivated. We owe it to humanity to stand ready and inviting to good deeds, as if we cherished the opportunity to be under obligations to reciprocate the kindness. It

would be a cold world, that calculated its debt and credit solely in the light of exact equivalent and a just balance; and still a shy and selfish world, that only owned its indebtedness after the good deed had been rendered; but true kindness stands at once out on the open ground of reciprocity, ready to take and to give, yea rather ready to take in order that it may give its own full-hearted joy expression in the quick reciprocation of beneficence. It already partakes of a vice to be chary and coy of proffered kindness, as if the heart was reluctant to feel obligation, and would rather not have benefits than to be holden to make kind returns. The law of kindness binds us to be open to a reciprocity of good offices, and admit ourselves to be debtors to humanity in encouraging good deeds, both by a frankness in receiving and a readiness in repaying.

3. Monopoly. Under this I include all attempts to take advantage of others' necessities for personal interest. It may be an arranged and laboriously executed plan to bring others under the necessity, or the prompt and greedy seizing upon the opportunity which providentially occurs. In either case there is the same unkindness, though in the first there is the aggravation of overt selfishness to secure the unkind opportunity.

Morality condemns all such monopoly. It is not in the spirit of kindness, and however the man may plead considerations of equity, it is not strict honesty. Man's relation to man in society is such, that there is due to the whole a higher consideration than to the partial, and especially than to the individual; and he wrongs the

community, when he robs them in any way to advance an opposing interest in himself. He may take advantage of his skill and foresight, and honestly obtain a fair remuneration for it, but not at the expense of being unkind to humanity.

2. "*Give to the poor.*" This includes more than honesty, which always acknowledges some previous indebtedness and the obligation from kindness to pay the debt, and demands charity, which feels the imperative to give where there is no indebtedness. It originates indebtedness. It comes up solely from a known want in another, and a consciousness of ability in ourselves to relieve.

The poor are not merely those who have little or nothing of this world's wealth, but all or any who are *in* want. The rich in money may in many cases be far poorer, have more distressing wants, than those who beg their bread from door to door. If there is any human want we know, and knowing can relieve, there the maxim applies, and every one so able is morally bound to adopt it as his own guide. It is not sufficient that it be a mere sentiment, or an inward preference which leads to no execution. A man may sincerely say to the poor, "be ye warmed, and be ye filled," and truly *wish* it might be so, and yet not himself actually give anything to accomplish it. If they were relieved at the expense of others' self-denial he would rejoice, but his charity is a mere sentiment, and not strong enough to overcome the purpose of selfishness within him. There must be

not only the *wish* but the executive *will*, or there will be no giving to the poor.

It will, moreover, regard mankind as such, and not merely some few men for whom we cherish a partial favoritism. With no distinction of rank, fortune, place or age: the mere fact that there is a man in want, and that we may relieve, must be sufficient to fix the obligation. All may in some way be reached by the good offices of others, and the lower in society have often the opportunity of imparting the most welcome favors to the higher, and in such a case it is a more noble charity. Such instances are the more affecting as they are less expected; and the good will which seeks to bless itself in doing good to others, need not in any class of the community be a day without its favored opportunity for full and effective exercise. And not only the suffering which providences thrust before us, but that unobtrusive misery, which cannot or would not express its wants, is to be sought out and alleviated. Nor is this imperative exhausted in making the sacrifice necessary to find and relieve the destitute. Charity may itself be prodigal. No man is allowed to be charitable indiscreetly, and thus not permitted to give indiscriminately. Much almsgiving fosters want and augments the misery it would relieve. Charity may encourage vice, idleness, improvidence, habitual beggary and horrible cruelty in its prepared cases for moving public sympathy, and however kind such an incautious donor may be, his duty has been unworthily performed. All injudicious charity, which overlooks its effect upon its objects and the public, and

gives from an excited sensibility or to relieve itself from further importunity, is a weakness and a vice, and the careless manner may degrade the giver more than the giving elevates him. All are to seek out the needy, to give for their relief, to guard against injudicious and unsuitable benefactions, and thus show a kindness worthy of their spiritual and rational excellency. To supply others at the expense of what is due to himself, will never be a virtue in any man.

1. CHARITY. This involves the love of benevolence, a disposition that is pleased and rejoiced in seeing others made happy by its hand. It thus delights in doing good. It may not approve of the moral character and conduct of those it relieves, and may thus feel a deep moral aversion and repugnance to its beneficiaries; but it looks at them as sensitive beings, with kindred wants and sympathies as its own, and relieves from suffering and administers to happiness from the promptings of philanthropy. It is not satisfied with the acting out of its constitutional kindness; it cultivates and cherishes the spirit of benevolence, and would make its heart more compassionate and its hand more open to human wretchedness. It deems nothing foreign to itself that is human, and thus makes every man a brother and every sufferer an object of its sympathy, and relieves so far as it may. It adorns and dignifies the man who appropriately practises it, and by common consent the world put it among the most exalted virtues. Because God does good, and makes his sun to shine on the evil and unthankful, so

the man who does good in works of charity is named the Godlike.

2. Obduracy. This includes the stifling of natural sympathy, and the hardening of the constitutional feelings against human want and misery. It must always spring from a perverse devotion to some object of gratification which interferes with the working of kindness. Charity *gives away* for others; but an inordinate passion, that craves its expensive objects of gratification, may demand the gifts for the poor to be expended upon its own indulgence; and in such an attitude, the man will steel himself against distress that courts relief. It may be an avaricious inclination to amass and hoard wealth, and such a miserly and sordid spirit will fast banish all feelings of pity, and choose that the heart may grow hard lest the hand should open to impart that which is so deeply coveted.

So the man who looks upon charity itself as administered to others, with a selfishness and envy that grudges the gift as so much bestowed upon others and diverted from himself, and would chide and hinder the kindness which does not flow towards his possession, will rapidly harden his heart, and care only to depreciate another's sorrows and magnify his own need.

3. Sentimentality. This is the excess of animal sensibility uncontrolled by judgment, and unenlightened by reason. The natural susceptibility which is pained and weeps at others' woes is left to its own impulses, or perhaps quickened in sensibility by habitual indulgence, and yet has no regulated action from its direction to any

intelligible and worthy ends. The mere luxury of a soft sensibility is all that is sought, and the tragedy of fiction and of real life are alike welcome as they alike kindle the same emotions. An object of distress at once touches the feeling, but the judgment is not at all consulted whether or how to relieve, nor the conscience enlightened to any source of moral obligation and claims of duty. The tears are as instinctive as the noisy manifestations of animal sympathy in the distress of a fellow brute, and the movement for relief, if any is made, is equally destitute of all virtue. The whole feeling is a weakness, and the morbid sensibility viciously excludes all control of the spiritual over the animal nature. If we sometimes say of sentimentality, in contrast with unfeeling *obduracy*, that it is an *amiable weakness*, we never suppose that the weakness is thereby exalted to a virtue. Morality condemns this soft sentimentality. It is shocked at all suffering, and would interfere as readily to save from the salutary retributions of righteous law, as from the misfortunes of providential experience.

8. "*Be ye thankful.*" When any act of kindness has been done, the reciprocal duty is thankfulness. The same spirit of kindness, which would give in charity, would in changed circumstances be thankful. Kindness is exhibited in thanksgiving. To one who has received, there may often be nothing but thanks left for him to give; and in such a condition his cordial gratitude may evince as real and as much kindness as the other's benefaction. No one would doubt the genuine charity of a heart truly thankful. Put such a man where he

can show kindness by giving, and his charities will be as cheerful as has been his thankfulness. It is thus the same grace at heart, and only showing itself in a different form from the necessities of the condition. It is, therefore, as truly the duty of the beneficiary to be thankful as of the man, who is able, to be charitable. It is the same virtue of a cordial kindness in both.

1. Gratitude. By this is meant the possession of a disposition that will express thankfulness on all occasions, of benefits intended. The maxim binds the spirit, and not merely the word and outward deed. Ingratitude of spirit is as unkind and as debasing to humanity as uncharitableness. The habit of unkindness is more rapidly gained through ingratitude than through uncharitableness. Favors bestowed indicate a position of superior wealth and power, and the receiver is more liable to indulge a false pride, and cultivate a spirit of mortified vanity, and thus check the flow of reciprocal kindness in his gratitude; and this tendency in human nature should be sedulously watched and guarded. An ungrateful spirit, in whatever way induced, is a base spirit; it violates the law of kindness, and unfits itself in any change of circumstances to be a charitable spirit. It shows the person to be not only in a condition of want, which might be of no moral moment, but to have fallen into much deeper degradation by not keeping the control of the spirit, and maintaining its worthiness in all circumstances.

2. Insolence. This manifests itself, not merely in the rich and powerful by a haughty dictation and overbearing contempt, but not seldom also in the poor by a rude

and impudent and reproachful bearing towards those in a superior station. It is really the same vice in both cases, and finds its root in a heart of unkindness. Ingratitude in receiving favors very readily runs to insolence in demanding more, and querulous complaining that the gifts are not better; and such impertinence soon renders itself intolerable. The public contempt excludes all public compassion for such impudence, however needy.

Habitual begging is sure to generate this spirit. It begins in selfishness, and as it can have no true gratitude when favors are given, it will be quite sure to manifest displeasure when the favor sought is denied. There will be equal insolence in the importunity, and in the insult that follows refusal. Not only can no habitual mendicancy cultivate a pious spirit, it is quite incompatible with a virtuous spirit. It directly promotes insolence, and induces many other vices with it.

3. PEEVISHNESS. Here is the same unkind feeling manifesting itself in another way and perhaps in a somewhat lower degree. Whatever be done, the person is hard to please; there is always something not as it should be, and a disposition to magnify it, complain of it, and fret about it. The temper is soured; the spirit, murmuring and repining, teases and chafes itself by imagined slights or the magnified neglect of others; and the miserable person soon quenches all sympathy for the misery, which he so perversely determines to make and to keep. Every one sees the want of a kind and benevolent spirit, charitable in giving and grateful in receiv-

ing, and as there can be no approbation of the moral character so there can be no respect for the person, but the perpetual peevishness is perpetually annoying and increasingly revolting. When kindness meets kindness with favors, the charity awakens gratitude, and the grateful heart is always meek, and always cheerful. To the sorrowing and destitute, the control of a kind and thankful heart keeps the spirit serene and tranquil. Even suffering will have its patience.

The spirit of kindness will induce to the adoption and fulfilment of the above maxims, and these will include the above and other duties, and avoid the vices which might be drawn out in greater detail. Sufficient has been done to illustrate the principle in this part of morality, and there yet remains to present the duties to mankind which are demanded by *respect*.

CHAPTER IV.

2. Relative Duties. *Respect.*

We here view man not as a creature of appetite and want merely, but more especially as possessed of a rational dignity and spiritual excellency that in his own intrinsic being entitles him to regard above the brutes that perish. The animal craves help; the spiritual claims respect.

All imperatives originate in the spiritual part of man's being; and man's animal wants are to be relieved by man, not because the animal nature has rights and can make ethical demands, but because his spirit has an intrinsic excellency which is debased if a man can, but will not help the needy. This claim to respect must modify the manner of helping, as well as determine the duty to help. Those to whom we are to manifest our kindness are human, and thus our charity must not be as when thrown to brutes; and those from whom we receive kindness are human, and their charities are to be taken not as if snatched from dogs. The charity must be accompanied and the favor reciprocated with respect on both sides. The commerce in giving and receiving is between rational beings, and the kindness of the charity no more ennobles the one, than the kind-

ness of the gratitude must ennoble the other. A defect on either side is not merely a want of kindness, but a debasing of the spiritual personality, and to give with contempt or to receive with impudence would be alike disrespectful to humanity and a reproach to both parties. All violation, in any way, of the spiritual claim to respect in man, is necessarily connected with the loss of his own self-respect in the offer of the indignity. Mutual respect amid all the communications of man with man, is a universal imperative.

The general maxim is, "HONOR ALL MEN." Out of this comprehensive maxim there spring others less general, and which have each many duties, as commanded virtues or forbidden vices, included within them.

1. *Be ye courteous.* The import of this maxim is, that each man should deport himself manly in all his intercourse with other men. All men have an intrinsic spiritual excellency which obliges each to demand of all others the tribute of a manly respect. His own self-respect is lost in permitting others to treat him indignantly without a virtuous resentment. What thus a man's self-respect obliges him to demand, that respectful demeanor it behooves us to render him, and in this we fulfil all that courtesy or civility, as a moral virtue, demands. It is not to be estimated by merely conventional rules and customs which change with the place and the age, but by that perpetual respect which the permanent possession of rational dignity in the human race demands from all, and in all ages. It is not punctilious regard to rules of etiquette; not obsequiousness, nor flattery, nor dissim-

ulation that smiles outwardly when there is inward contempt; but a cordial recognition of the rights and prerogatives of a man, and a full accordance of them all in our whole bearing and demeanor towards men. If such be withholden by others from us, and we be treated by them quite discourteously, there is a courteousness of demeanor still due to them inasmuch as they are men; and the resentment is to be tempered with a dignity and delicacy, which manifests our own self-possession in observing what is due to humanity, both in them and ourselves. It will exclude all rudeness, rashness, and insolence, in any condition or towards any man. A vicious man, a criminally convicted man, a capitally condemned man, in each case is still a man, and must be treated with the consideration due to the possession of a rational spirit; yea, an abusive and insulting man may in no way make me to forget what is due to him as a man, and that under the smart of the insult, I should allow myself to treat him as a raging animal.

I may show other and different tokens of respect to the morally wise and virtuous, to the respectful and courteous, than to the base and the insolent; but in no case may I treat any man at all unmanly. I debase myself in such disrespect, and am also guilty of offering an affront to humanity. I, a man, am bound to respect that which is spiritual in all men.

1. Arrogance. This is the ostentatious assumption of superior importance, and thus exhibits the inflation of self-conceit and implies the contemptuous disparagement of others. Simply as a man, one has no prerogative

above another. If moral qualities make one more excellent than another, it can never permit the virtuous to display it ostentatiously, and if any adventitious circumstances place one man in a higher position than another, that will never justify arrogance and assumed self-consequence. The truly noble and elevated man manifests such kindness and respect for all other men in his dignity, that he inspires esteem and love, and the highest honors are accorded to him by his fellow men without any painful sense of their inferority. His greatness inspires reverence, and his courteous bearing so tempers it towards all, that it becomes cordial respect and goodwill; while an arrogant man, no matter how high his station, will awaken only the feelings of contempt and reproach. This arrogance is a vice, in that it denies the respect due to others; and in assuming an undue importance for himself, the man brings reproach upon his own spirit.

2. Scorn. This adds to the self-inflation of arrogance, a manifested contempt and proud despising of others. In arrogance, this contempt is rather implied, while the manifestation is mainly confined to an ostentatious display of the person's own fancied importance; but in scorn, the manifestation of the contempt for another is made prominent, and the undue consequence attached to himself is rather implied in the indignity and reproach with with which the man treats another. Scornfulness is thus a more direct and gross breach of courtesy, and the more odious vice. It is a indignity to humanity to arrogate some prerogative over it; but it is a greater indig-

nity to offer a direct affront to it, and manifest an open contempt for it.

Scorn is sometimes used in a good sense, as when we say, 'the man scorns to do a mean action'—'he rejected the infamous proposal with scorn,' etc.; in which is represented the indignant rebuke of virtue, and the abhorrence it feels towards vice; but more generally it is used in a bad sense, and as above, for the contemptuous disparagement of some other man, and which is always condemned by pure morality.

8. RIDICULE. This may include both arrogance and scornfulness, and adds thereto the maliciousness that would make the subject an object of reproach to others. But while it goes beyond in overt acts to make contemptible to others, it is applied to awaken contempt of not so strong a degree as scorning, but rather that the victim may be the object of derision. And this it does, not by fair presentation of plain facts or serious defects that might truly be reproachful, but by ludicrous selections or combinations designed to make the person a laughing-stock to others. This may sometimes be in wantonness and not deliberate maliciousness, but in any such exhibition there is a want of courtesy, which the obligations of mutual respect among mankind demand.

It is sometimes enquired if vice is not often ridiculous, and thus a proper subject of derision; to which it may properly be replied, that nothing which sets vice in its true light as both foolish and wicked is wrong. The Scriptures represent good men and even God as treating wickedness with irony.—1 Kings, xviii, 27.—Prov. i, 26. But in

this is no discourtesy, for the manner and the end are directed as a severe and terrible rebuke of iniquity. For such higher end, when occasion calls, ridcule may be legitimate. But this seldom occurs among men, and the moral effect of serious expostulation and solemn rebuke is ordinarily better than ridicule or satire. Its immorality is easily determined in the attempt to traduce or defame, to subject to reproach or derision, when contemplated solely as man among men. No one has the prerogative to so exalt himself above the common humanity that he may despise others, nor to take any one from amid the ranks of mankind and make him ridiculous to others. It is a discourtesy which common respect for man forbids, and morality condemns.

4. Vulgarity. This is used here in reference to grossness of language, or coarseness and rudeness of manner, in our intercourse with men. The plainest man in the lowest walks of life, and who knows only to use the homeliest phrases and manners, will still use all these with a respectful deference and delicacy of spirit, which evinces the essence of true courtesy in his regard towards the man he addresses; and when such a man feels respect, the inward sentiment will at once raise his plainness above all vulgarity. The man of vulgar bearing always evinces the absence of proper respect for the persons with whom he is communing, and thus the vulgar man is always voluntarily the discourteous man. Let him raise his conception of the persons he addresses, to the proper dignity and excellency of their spiritual being, and whatever may have been his comparative culture or

refinement, the inner respect for humanity will at once remove all vulgarity and put in its place true courtesy. He who allows any vulgarity of word or manner, in that very thing reproaches humanity and degrades his own spirit, and is in that an immoral man.

All obscenity is the grossest degree of vulgarity, and can be habitual only in the loss of all self-respect and all respect for the men with whom he associates. It indicates a baseness of spirit fit for any degrading companionship in iniquity, and can hardly have been attained except by a familiarity with low vices.

2. *Deal justly with all men.* Man, in the excellency of his spiritual being has rights, and may demand that all these shall be acknowledged and regarded by others; and as all other men have rights, so they may in the same manner demand that these shall be respected by him. In this is the foundation of natural justice; the mutual rights of a common spirituality of being, giving equality of claims and reciprocity of duties. Every man may thus demand from all others that which is just and equal. To rob one of his right or defraud him of his due is an indignity to his spiritual being, and this want of due respect to his fellow-man debases his own spirit and makes the robber unrighteous. The vice is seen, not directly in the loss of the happiness which has been occasioned by the injustice, for if this had been occasioned by the animal activity alone, its loss of happiness would have involved no unrighteousness, but it shows itself only in the indignity which has been done to humanity. The defrauded man has been treated as if

he had no rights; as if he were thing and not person; and in this want of respect morality finds the vice and applies the condemnation, and the whole is brought home to the conscience of the unjust man, in that his knowledge of his own spirituality convicts him of conscious debasement in the indignity he has done to his neighbor. In the invasion of his neighbor's manhood he has debased his own.

Whatever, thus, becomes a right in any person, whether natural or acquired in the ongoing of society where he dwells, is his to keep and control, and with which another may not interfere. Any invasion of another's right is this injustice, that it is a violent discarding of his prerogatives of personality, and contemptuously holding him as a thing with no rights. Such an act would sting your own soul with remorse, for you know that in that indignity to him, you have wounded your own spirit and made yourself unworthy. No injustice can so enrich in happiness, that it does not more surely impoverish in unworthiness. No amount of gratification can compensate for the perpetual stigma in baseness. Happiness may have been enhanced, but at the terrible price of perpetual self-contempt.

1. Assaulting. I here include all invasion of rights that is made by a direct assault upon the person or possessions of another. The same ethical principle is violated in them all, and the guilt lies in the indignity done to the personality, and its degree is to be measured by that, and not the amount in which it may have interfered with animal enjoyment. It embraces all

crimes of violence, and which would be too numerous to consider here in detail; whether assaults upon property, as trespass, burglary, theft; or assaults upon chastity, as seduction and rape; or assaults upon person, as battery or murder. The enormity of the vice is measured by the dignity of the right invaded, and is thus as the violation of the grand maxim, "Honor all men." The injustice is a want of respect; an indignity to humanity; and the nearer to the excellency of the spirit stands the right which has been invaded, so is the personality the more dishonored and the vice of greater enormity. Chastity is dearer to the spirit than wealth, but life is more sacred than anything else which may be taken without the assent of the person.

2. DEFRAUDING. I here include all invasion of rights which is made covertly or deceptively. All cheating, double-dealing, false-weights and measures, obtaining goods by false pretences, violation of contracts, pledges, trusts, commissions, insurance, etc., and thus frauds committed in any way for the purpose of obtaining anything which belongs to another. These all, again, come under the one principle of disrespect to the rights in humanity, and an attempt to obtain possession in utter disregard of such rights. It is not so heinous as a direct assault, though it may attain fraudently a greater pecuniary value, for it does not so directly offer its indignity to the personality; but its immorality is truly in this, that it assumes to take from a man as it would elude or cheat an animal. It discards the humanity; it ignores rights; it uses man as a thing in nature, to which there is no

indignity in a delusive or perverse accommodation to your own purposes. And in proportion to such disrespect and contempt of the prerogatives in humanity is the vice of the fraudulent transaction.

3. LYING. This is viewed here not so much in reference to any ends that may be sought by lying or some forms of deception, but rather to the vice of falsehood in itself. Veracity is due from one man to another in the right of the spiritual dignity of humanity. Both self-respect, and the respect due to others, demand that "every man speak truth with his neighbor." To attempt deceiving a man is an intentional dishonor to him. It is an assumption that he is but a thing to whom no respect is due, but who may be made the sport of delusions without any indignity. So a man may deceive an animal, but not so a person.

Lying may be effected in many ways. There may be merely wanton lies, from thoughtlessness or in sport; or lies to carry out and accomplish a dishonest intent; or with some good end in view, lies may sometimes be used as the supposed justifiable means of accomplishing it. The lie may be by direct declaration; by equivocation; by delusive gesture and signs; or even by utter silence, in circumstances where truth demands assertion or denial. But in all cases of designed deception there is an insult to the man deceived; a direct affront and indignity to humanity. The essential vice of lying, the ultimate turpitude of the iniquity, is in this indignity to the rational spirit, whose imperative it is that there be "truth in the inward part." Respect for the rational

being of others, and the integrity of your own spirit in personal worthiness, demand perpetual veracity.

Many questions of casuistry, in reference to the vice of lying, originate in wholly wrong conceptions of the ground of obligation to veracity. If the duty of truth is to be seen only in its general consequences, and this is obligatory only as greater happiness results from it, there may be many conditions supposed in which it would at least be difficult to conclude that the greater good would not result from the falsehood. Looking only at gratified appetite and not at spiritual worthiness as the good to be attained, it will not be difficult to multiply many most perplexing cases of casuistry, in which human judgment would be pretty sure to lie on the side of the falsehood, unless it were to be conceived that direct Divine interpositions would occur to change the anticipated general consequences. Yea, even in some false views of religion, it may be decided that falsehood is more than excused, and is even obligatory to a religious end.

But the grand principle for determining all such questions of casuistry is not by any calculation of general consequences, and judgment of greater happiness and unhappiness. Somewhere it is to be decided which course *ought* to be made the most happy or unhappy. The Being who establishes the order of nature, that gives out its measure of happiness in its general results, must still have his higher principle determining where the highest happiness ought to be. And this cannot be in some necessity of his own nature, which decides that so it must be or he shall be unhappy, for this would

make it to rest only on what that Being *wants* it should be, and not at all on what he sees it *ought* to be. To have any basis in morality, the ultimate test must be one of worthiness and indignity. If a lie is ever to be justified, it must be because there and then it is no indignity to the deceived, and no degradation to the deceiver. All spiritual being demands respect for its own intrinsic excellency; and unless you can find the human being to whom, in his condition, it is no mark of contempt and indignity to deceive him, morality will condemn the lie, and oblige the man to blush in secret at the consciousness of his own baseness in telling it.

3. *Sustain thy neighbor's good name.* Nothing detracts from a man's good name which does not bring some unworthiness to his spiritual being. In reality there can be no personal dishonor to a man except through his own deed. It must be the man's own disposition which forms his character, and this disposing of himself must be at his own responsibility. But detraction and defamation may effect the estimation in which he is held by others. The good name of a man in society may be determined by our representation of him. His true character may be belied, and his good reputation lost by no fault of his own. He has the right not only to form his own virtuous character, and possess his own conscious self-respect and approbation, but the right also to his good name in the estimation of his fellow-men. It is a great breach of respect to humanity to detract from a good reputation among men.

All reproach for physical infirmities or bodily deformity will be a violation of the maxim of kindness, and thus a vice in the case of him who so reproaches his unfortunate fellow-man; but this is not the vice which is induced by a violation of the present maxim. Such reproaches do not reach to the moral personality and take away the man's good name. That is effected only by securing an unfavorable estimate of his spiritual worthiness. The maxim requires that we do nothing to detract from a man's reputation, but that we sustain his good name by all proper methods. The adoption of it will exclude many vices.

1. SLANDER. This may include all forms of detraction, in verbal representations of the character of others. It ranges from petty scandal, that imputes minor faults and failings, up to malicious slanders that aim directly at the foundation of the entire character. The tattler and slanderer not only induce jealousies, suspicions, and angry contentions in society, but the very act of tale-bearing and detraction is vicious. One man has no right to be injuring the good name of another, even by reporting that which may be true of him, unless some grave interest of the public may demand it. If a man is plotting mischief against society, or any individuals in it, an exposure of his iniquity for the defence of the community is righteous. But no exposure can be made by any, for the mere end of giving a bad reputation in public, even though the man may deserve it. Morality gives him the right to the reputation he acquires, unless some higher right come in and make it your duty to

defend that, even at the expense of an exposure of his unworthiness. To do this for virtue's sake is not slander. All slander has in it detraction of another's good name in the community for no justifiable end.

The vice of slander appears directly in its disrespect to the humanity in the person slandered. Spiritual worthiness is the highest treasure, and without this the humanity had better never have been raised above the animal being. And yet the reputation for this, the slanderer would wholly destroy. He would do to him that indignity which is expressed in saying, that it were better he were wholly the brute than such a man. And the wantonness or the malignity, that can so reproach another, sinks the author to the deepest debasement. It is this conscious degradation in the eye of the community, that makes the name of the slanderer so despicable. His infamy becomes quite as deep as that to which he would consign his victim. The contempt he manifests towards another, returns upon himself; and his defamation of another man, turns to be a true record against his own soul. The slanderer is himself usually conscious of the baseness of his course, and betrays it in the innuendoes and covert insinuations he uses, and attempts to reach his end by hints, suspicions, and dark surmises, when he would be ashamed to avow his direct purpose, and stand fully out before his object and take the consequences of his designed indignity to his fellow-man. His deed is one for which manifestly his own spirit condemns him.

2. LIBEL. This writes or prints the slander, and publishes it. The same principles apply, as before, and the offence is the same, except as it may be aggravated by the greater notoriety given. Whatever is thus published for purposes of detraction, or with a carelessness and recklessness of the rights of all men to reputation, that sacrifices this to gossip or for gain, is libelous, and strongly condemned by pure morality. It cannot be justified by the conductors of the public press on the ground of dealing in facts, retailing news, nor even of general benefit in exposing depravity. The claim of the public to the facts must have some specific ground in its own rights, in the circumstances, and such as makes the neglect to disclose, to be a greater treachery and indignity to it, than the disclosure is of disrespect to the exposed party; and in such a case the publication is no libel, but a virtuous and manly fulfilment of duty in the higher interests of humanity. When, precisely, the facts come within such a principle, each man must judge in his own case, and oftentimes with most distressing convictions of responsibility on either hand.

A false statement is libelous, for whatever purposes made; for no man may malign an innocent person for any supposed good end, and a true statement is still libelous, if not specifically demanded by the higher rights of humanity; yea, the more truth the more libelous, for it destroys reputation the more, and this when no public rights are to be subserved by it. Still, as in all cases, so here, the claim of the public is higher than the private; and if the private resentment of the slander awaken to

a public prosecution, it is right that the defendant be allowed to show the truth in evidence, so far as that may go to convince the jury that his publication was for public good. The fact, so shown to be true as he has published, cannot of itself justify the publication; that may still be libelous; but the public have a right to this truth of the facts, when the man puts his alleged libeler on trial before its tribunal, that it may so far help to determine whether the publisher is not an honest and worthy defender of the public freedom. No man has the right to a good reputation *falsely*, at the expense of public freedom and virtue.

3. Censoriousness. By this is meant the spirit of fault-finding and suspicion of bad motives and intent, and which exhibits itself in numberless ways of complaining and detracting, and induces the habit of back-biting and petty defaming, when no serious attack upon character and good name is attempted or intended. It always looks upon the dark side of human character, and suspects every man to be a knave that has not pretty fully proved his virtue. Respect for humanity does not induce to hope for good, and apologize for bad things which appear in it, but deep conviction of general depravity and corruption has induced a faithlessness in all pretended virtue that has not been long tried.

True respect for the spiritual being of man demands, that we look upon the multitude of human faults and failings with as lenient an eye, and speak for them as apologetic a word as reason will allow. Instead of magnifying and aggravating human offences, it would soften

and palliate as far as circumstances will admit. Even vices and crimes will not be divulged, and the wicked reproached for them, except as the rights of humanity demand. Such a spirit will not allow itself to become censorious, uncharitable, sarcastic and sour towards others, nor be disposed to assail even the vicious taunt-ingly or scornfully.

If satire may sometimes be righteously applied in castigation of human vices and follies, the virtuous satirist will not choose that his position and vocation should make his spirit harsh and bitter towards the objects of his censure; but having chastised them for their good, he would still rather soothe, encourage, and excuse, when that tenderer spirit may work them as much good. A censorious spirit loves censure, and gratifies itself in fault-finding, distrusting and maligning, and has itself great need of the forbearance and apology it denies to others. A spirit that "hopeth all things," is better than that which habitually fretteth itself against evil. Respect for man will induce apologies rather than censures, and morality demands a charitable rather than a censorious judgment.

4. *Be obedient to Government.* The manner of right authority, as a source of obligation, is to receive an examination in a subsequent Part of our work; but we have to consider it solely as an existing fact with which man comes into connection, and in reference to which he has duties solely in the end of his own worthiness, and these wholly within the province of pure morality. Not in what respects patriotism may bind in subjection to a

government, but we inquire in what respects is it a moral virtue to submit to the ordinance of man? Here is one part of our duty to mankind, in pure morality, to be "obedient to the powers that be."

The majesty of civil authority, so far as we have now any occasion to consider, is found in the rational dignity of humanity itself, where mankind stand together in a collective capacity. God may add his own revealed sanction to human government, and thus lay under obligation "for the Lord's sake," yet is there an inherent excellency in righteous human authority which demands respect for its own sake. Under whatever form of sovereignty it may present itself, it is the official representation of the public will in regard to its own rights, and if the spiritual excellency of each man presents rights which in his own dignity demand universal respect, much more must official state authority which has, collected within itself, the rights and dignity of every citizen, demand a respectful recognition. If that man is vicious who treats individual rights contemptuously, much more is that man vicious who "despises governments." Not merely that civil authority is useful, is it therefore venerable; it could not itself be useful, except as arbitrary tyranny, were it not first in itself entitled to respect and reverence. The public personality speaks out in its governmental legislation, and the executive magistrate bears the sword of the whole body politic, and is official conservator of the rights and privileges of the entire commonwealth, and has thus in its own right the claim of respectful allegiance from every citizen.

Pure morality, thus, demands submission to government and obedience to human law, not merely in a legal spirit which is moved solely in the consideration of pains and penalties, but "for conscience sake." The government, being the true expression of the public will and the conservator of the public rights, is venerable in its authority, and all rebellion or disobedience is a contempt of "dignities," and thus a debasement of the spirit of the rebel. His contempt of government is the making of himself unworthy, and is thus a vice condemned by morality. The important duties under this maxim of obedience to government are,

1. SUBJECTION. This is to be manifested in obeying law; in cheerfully yielding to the prerogatives of the officers of government; in paying respect to all official forms, and complying with all its proclamations and special orders. The whole demeanor is to be that of a peaceful, quiet, contended, law-abiding citizen. All factions, mobs, riots, insurrections, lynch-law proceedings, are not only political crimes, but vices condemned by pure morality. All incendiary speeches or publications, and all illegal attempts to coerce the government in its political measures, are morally unworthy of every citizen.

2. TRIBUTE. If government exist, it must be sustained in its expenses by the citizens. The revenue may come from varied sources, but in whatever way taxes are legally levied, morality forbids all evasion of the public claim. All frauds on the revenue laws, secretion of rateable property, or embezzlement of public money, are

as much more immoral than the defrauding of a private person, as the dignity and rights of the State exceed in their claims to respect those of the individual. Tribute is as really due to the State, as the fulfilment of contracts with individuals, and the things of Cæsar are as truly to be rendered as the things of God.

3. SERVICE. Every man is bound to render that service to the State which in his circumstances are legally demanded. He may not shrink from official stations, or military duties when his country calls. He must judge if higher claims clash with the commands of his country and responsibly act accordingly, but in a righteous call of his country to any service, no citizen may hesitate and delay without becoming immoral. No government can last which cannot control the services of its citizens. All disrespect to the state is a disgrace to the man.

been otherwise connected, she would have been utterly unintelligible. All her phenomena must have been connected in their permanent substances and successive causes, or they could never have been determined, by any mind, to their places in space nor their periods in time. All objects of sense would have been a mere hap-hazard dance of appearances. Nature does not determine reason to be as it is; she must herself confirm to reason to be intelligible by reason.

Here is the grand text-book for the reason of man to study. When he has found the true law of nature in any of her thousand departments, he will ever find it conformed to the demands of reason, and the working without and the law within will completely harmonize. In all departments of natural science there are necessary and universal laws binding up all the parts in unity, and man is fulfiling the imperative of his moral being when engaged in investigating, classifying and systematizing whatever of nature he can bring within his observation. He is thus studying and more fully apprehending himself, as he studies and apprehends the conformities of nature to himself. The Absolute Reason has enstamped himself upon his works, and the true interpretation of nature can not contradict the eternal truths of reason in the soul of man. He has little faith in reason or God, who fears that truths in any department of God's revealing shall contradict each other.

5. *Use Nature as a discipline in virtue.* Nature is no more conformed to the reason of man in her philosophical order, than she is in her ethical connections. She

is everywhere as right as she is beautiful and true. If the vice of man has not perverted the order of nature, she will be everywhere working out what should be, and as it should be. If anything works ethically wrong, it will be found to have had its perversion through some vicious interference. Thus the study of nature in its ethical connections is everywhere adapted to moral instruction and discipline. Not because there is greatest happiness in certain courses, and thus nature herself made the end of morality; but that greatest happiness comes in such courses as it should, and thus that nature herself is conditioned by morality.

And now man's highest dignity demands the perfection of his moral culture, and thus that he use nature as his schoolmaster to bring him to virtue. All his wisdom may and should terminate in righteousness.

CHAPTER VI.

2. Duties to God.

The finite reason asks for the Absolute Reason, and in the rational laws of nature, and the immediate interpositions of new causes in nature, directly affirms his existence. The conviction of this truth is so deep, that it becomes the highest kind of affirmation to say, "as sure as God is." The existence of God being apprehended, we do not need to apply to his commands in revelation, nor to gather what is his will from nature, which would impose *religious* obligations upon us from the ends of piety in love to him; but we need only to know our spiritual communication with him, and for our own worthiness' sake there immediately arises the consciousness of *moral* obligations. That the finite spirit and the Absolute Spirit exist together, is sufficient to impose duties upon the finite in pure morality.

How, on principles of immutable morality, God's authority over man must be directed, will be examined in another Part of our work, under the division of Divine Government. Here we only enquire for the moral duties we owe to Him, in the end of our own worthiness alone. To refuse to comply with these claims of pure morality will debase ourselves. The general maxim is,

"WORSHIP GOD." The worship of which we here speak is that moral homage which it is a man's virtue to render to the Absolute Spirit, and which it would be a vice to withhold. We do not bring in the facts of dependence and perpetual communications of good, which appeal to the sentiment of love; nor the facts of unbounded fullness and goodness in God, which appeal to the confiding feeling of faith and hope; for these are the basis of *religious* worship and service. We simply take the conception of finite spirits, not merely as existing in society with each other, but now as existing also in communion with God, the Absolute Spirit; and on the ground of intrinsic excellency of spiritual being, there are the *moral* claims in the Absolute to a spiritual adoration from the finite, which pure morality alone can recognize. Such community of existence cannot be, but the finite spirit will debase itself if it will not bow in prostrate homage before the Absolute.

When the man stood alone in the sanctuary of his own spiritual being, he found an authority, which he was conscious would awaken the conviction of eternal infamy in himself not to respect and obey; and when he stood in the presence of other spirits like his own, he was obliged to respect their rights from their own intrinsic excellency, and to know that it would be a perpetual degradation in himself to trample on the least of those rights; but now his eye sees the absolute God, and the sphere of his morality greatly enlarges. The claim to respect himself, and to honor the spirit of his fellow becomes the claim to the profoundest homage in the presence of Jehovah.

A much deeper infamy is incurred, in his own sight, no now to fall prostrate and adore. The same consciousness of what is due to spiritual excellency is here, bu not now solely in the light of finite attributes; he is here amid the glory that fills immensity and inhabiteth eternity; and he deeply feels that a refusal to worship in such a presence must be the infamy of the second death. Of all immoralities, the greatest is to be morally irreligious.

This maxim, to "worship God," includes many duties, among the most considerable of which we here notice,

1. Reverence. This is purely a spiritual emotion. Nothing but a spirit can experience it, and this only in the presence of a spirit. The animal may be made afraid, but never to revere; and man may be made afraid in the presence of an animal, but never there to feel reverence. The respect which man is constrained to feel for the spiritual through all humanity, rises in proportion to the attributes of rationality there disclosed; and in the presence of some hoary sage, he involuntarily uncovers his head and bows in obeisance; but it is only before the Absolute that reverence is consummated; and here, in the presence of God, the finite soul knows that nothing should hinder the complete surrendery of all that he is, in humble consecration. Unreserved homage is due to God, and the profoundest reverence is itself the dignity of the human spirit. No man is so exalted as when utterly losing himself in his reverence for the Deity.

2. Godly Fear. This is other than simple reverence, though reverence may always accompany it; and we

ess the difference when we speak of reverential awe. e is a fear which is altogether distinct from a con- tional apprehension of danger. The apprehension reat impending evil is a "fear that hath torment." s a most unwelcome emotion, and man and beast ık away from its experience. But godly fear has no , and excites no revulsion in the presence of its ct. The most dreadful majesty is revealed; a glory is terrible; the place is holy, and he puts off the s from his feet, and even expresses himself by saying exceedingly fear and quake," and yet the man ses to be there. He would withdraw from this ence, and change this emotion, for no other possible e or feeling. His full confidence in this dreadful ıg makes even his terrible greatness delightful. awful God is his father and his friend; and by so h the more as his majesty is fearful, is his protection ghtful. That very glory, which in its purity is to the ked "a consuming fire," is to him a defence and an or; and his own soul burns with love and joy while gazes with holy amazement. The fear that would be insupportably tormenting, becomes by his own geniality of spirit with the object an adoring awe, ch is sublimely ennobling.

Humility. This, in its true meaning, is a virtue proportions itself relatively to the being that exer- s it. To the Absolute, there can be no place for ility; but to all finite beings, humility is a duty and rtue. It consists in the assent of the spirit to take precise position which is due to its own proportional

intrinsic excellency. We speak not now of the humility of a sinner, which must partake of shame and remorse, but the humility of spiritual beings in the presence of the absolute Jehovah, as a moral virtue. Whatever grades of spiritual life there may be from human to archangel, through all the ranks of "thrones, dominions, principalities, and powers," that is humility in each which, in reverent adoration of the Most High, cordially assents to its own place among the worshippers, and the highest in this classified rank, while he casts his crown before the throne and veils his face with his wings, will be as truly virtuous in his humility as the lowest. The righteous order would be as truly broken in the degradation of the higher as in the undue exaltation of the lower, and each is truly humble and morally virtuous in his humility, when he bows rejoicingly before God in the very place which his relative excellency assigns to him. There is no pride, no self-conceit, but the virtue of universal humility, in that world where God is too great to be either proud or humble, and where all finite being fills just the sphere of its own spiritual excellence with divine adoration and praise.

There has been, in the foregoing Chapters, a
tion of the ultimate Rule of right over all
human conduct, in its leading divisions
individual and associated spiritual
complete System of Moral Sci
clearly determinable by

here close this Part of Pure Morality by a few Aphorisms elicited from the investigation.

1. *Humanity can never escape from the colliding influences of animal appetites and spiritual imperatives.* Sometimes appetite and duty may fully accord; sometimes an unruly appetite may seem to be mortified; but at no time can the animal nature and the rational spirit be in combination, where there will not often be "the flesh lusting against the spirit," and calling for a constant watch and a strong restraint. Man's ethical life must perpetually be militant, and his highest worth can only be gained in that manly valor which alone conquers by a perpetual conflict. He should have the complacency of perpetual mastery, but he will never, in the flesh, have the blessedness of complete conquest. To find the serene bliss of heaven, he must drop the animal tabernacle, and thus lose the conflicting "law in the members."

2. *Virtue cannot consist in habit.* Man's ultimate rule demands great care in forming habits, inasmuch as many actions of his life will flow from habit, and have their effect upon himself and others; but no action from mere habit can constitute virtue. This involves watchfulness and activity, valor and conflict; the good will striving and ruling. However long-continued and apparently confirmed the habit may be, it is not safe trusting to it. An unwonted trial may at any hour come, and the long habit at once be broken through. While the good habit controls, it is not virtue; and there is no security for any day that it will still control. Habit is mere facility

from frequent repetition, virtue is constant victory from stern perpetual conflict.

8. *Casuistry is not in finding principles, but whether particular facts come under the principles.* The ultimate Rule is clear in the self-knowledge of reason. Its imperatives are direct from what is due to the inherent excellency of the spirit. The principles of pure morality are thus clear in their own light, when seen in their own ground. They stand in necessity, and are universal. Moral Philosophy, as a science, has thus only to deal with principles, and to set them out clearly in their true grounds.

But often real or supposed facts may be so ambiguous, and terms may often be so equivocal, that the nicest discernment may be needed to determine whether they come under the principle or not; and all such cases give rise to questions of casuistry.

The science of pure morality has nothing to do with casuistry; though the application of its principles in experience give occasion for frequent and often very difficult questions of casuistry.

4. *The following precise application of terms in morality may be here given:* All action under the constraint of the ultimate Rule is *duty:* and all action against duty is *transgression.* A transgression may be from physical weakness, and we thus term it the man's *infirmity.* It may be through the man's carelessness, and we call it his *fault.* It may be deliberate and determined, and we then call it his *vice.* There will be seen occasion hereafter for the distinction of vice as against a purely

moral rule, and transgression of civil law which is *crime*, and also transgression of God's law which is *sin*. To the personal author of the transgression we *impute* the intention, and term this his *guilt;* and when we refer to the retribution with which guilt is to be visited, we term the person to whom the guilt is imputed, *responsible*.

SECOND PART.

POSITIVE AUTHORITY.

I.

THE OCCASION FOR POSITIVE AUTHORITY.

PURE MORALITY contemplates character and conduct solely in the light of the ultimate Rule of highest worthiness, and approves of only such character and conduct as stands conformed to that rule. This is the highest good and the only motive to right action, and can admit of no other motive in co-action with it. If other than the end of highest worthiness blend in the conduct, the life is not purely virtuous.

But specific occasions occur which make other ends desirable, and thus other motives necessary. The pure love of the right may not be always sufficient to induce obedience, and yet good reasons exist why even an obedience that is not purely virtuous must be sought. It may also be found that there are susceptibilities in human nature which may admit of the application of other motives, than the moral Rule of right seen in the case

itself, and making another end than that of pure worthiness necessary to the moral agent, in the absence of all opportunity for applying such pure end of worthiness, and thus another measure of control over human character and life may be introduced. Pure Morality, in the contemplation of such occasions, will not be sufficient to cover all the methods of dealing with human conduct, and thus other systems of motives must be found and classified which do not direct themselves immediately to the end of highest worthiness, and thereby other rules of human action must be attained than the ultimate rule of pure morality.

But no such motives may be applied and no such rules adopted, contrary to the claims of pure morality. The governing of the life by them must not conflict with the end of highest worthiness, inasmuch as such a supposition would make the system of government over human conduct immoral. The author and executor of such an administration would himself be vicious, and no possible end could be a compensation for violating and subverting the end of morality. This supposed change of rule and end, must not, therefore, conflict with and destroy the end of pure morality, but be wholly consistent with it. Such occasion is found, and the necessity for such restrictions, in the end of social polity, and the end of religious regulation, each of which must come under the constraint of direct positive authority, and cannot be left to the motives which pure morality alone may apply.

And it is precisely in the above view, that while authority is another mode of constraining human conduct

than pure morality, yet inasmuch as it may by no means contradict or subvert morality, but must in some way be made conformable to morality, its consideration must therefore be brought within the field of Moral Science. The ultimate Rule of right must be so applied to all authority, that it may thereby be determined that it is not an immoral and vicious authority. It is introduced as a necessary means of constraint where pure morality will not admit of an application; but in no case, and for no reason, may it be used in conflict with morality; and hence the necessity of subjecting all authority to the criterion of a rigid Moral Science, by which only can it be known that it is nothing but righteous authority that has been tolerated. Positive authority, thus, must come within the field of a pure moral science. It will not govern by morality, but it must govern in full accordance with morality.

II.

THE PECULIARITY OF AUTHORITY.

AUTHORITY, as brought within the province of Moral Science, is *a right to legislate*. When this right goes out in specific exercise, and promulgates its precepts without revealing its own reasons, guarding those precepts by the sanction of pains and penalties, and judging of conduct under its laws, and executing its penalties as curred without giving an account of its own grounds of on to its subjects, it is termed *Positive* Authority.

this authority is vested is termed

Sovereignty. The same point of sovereignty is the source for all authoritative legislation, judicial decision and executive action in the government.

The ultimate Rule in pure morality is wholly *subjective.* All must be brought to the decision of the reason and the test of conscience. The inward consciousness of the excellency of spiritual being, controlling for its own worthiness' sake, is the one constraining force of all duty. But authority is in this wholly peculiar. It is entirely *objective.* Another than myself, and who is wholly out of and separate from myself, gives the rule and holds me responsible to him in my conduct. I need only to know the rule, and not at all his reason for giving it, and I am at once bound by it. It is not at all what my reason apprehends, but what my sovereign promulgates; not how do I decide, but solely how do I read; the proclaimed will of sovereignty alone takes hold of my conscience and binds my conduct. That which is wholly out of me is made to have dominion over all that originates within me, and the will of another is to be the lord over my will.

Such a claim always demands and should ever receive the closest scrutiny, for unless the authority be fully legitimated in its morality, it becomes the most vicious and detestable tyranny. This is the whole business of this Second Part of Moral Science, and that to which we now betake ourselves.

Positive Authority, as already found, has varied modes of applying its constraint to human conduct, and thus giving necessity to consider it, in its different modes,

under distinct Divisions. When applying pains and penalties, or offering rewards, it appeals solely to hope and fear, and the obedience so resulting is that of *mere legality*. When applying the constraint of love and reverence for the sovereign, and thus appealing solely to respect and regard for the authority itself, the obedience induced is that of *complete loyalty*. These may also be blended in one sovereignty, and the government use both. The first is found in *Civil Government;* the second in the *Divine Government;* and the last in *Family Government*. We shall examine each at large in its own order.

FIRST DIVISION.

CIVIL GOVERNMENT.

CHAPTER I.

THE STATE.

EITHER authority is, and this makes the state, or the state already is, and this makes its own authoritative government. On the supposition of the *first*, there may be two positions assumed by different parties. One, that God commissions some directly to govern, and their *divine right* gives authority to government and establishes the state. The other, that each person has the sovereignty over himself, and many such persons coming together make a state and a government by *compact*.

The theory of *divine right* makes all civil government Theocratic. God is the Supreme civil ruler, and the human magistrate is his vice-gerent. Such was the government of ancient Israel. For special ends, not here necessary to detail, God proposed to be the civil ruler as well as the tutelar Deity of the Hebrews, and was

formally accepted as such by the popular voice. A constitution or platform of government was also proposed and formally adopted, and a solemn ratification of the whole and inauguration of the government occurred, as fully given in Exodus, 19th Chap. to the 25th. All the subsequent legislation given by God conformed to this original platform, called "the Book of the Covenant," and which was kept in the Ark, called hence "the Ark of the Covenant." God was henceforth their constitutional King, and the human magistrate held office and ruled under his appointment.

In this one instance only has God assumed such a relation. And in this, he so sanctioned and regarded popular rights, that he admitted the sovereignty of the Jewish people, and would not himself take the civil rule over the nation except by their express consent. Had the nation refused to accept the offer, it would have been the sin of ingratitude and contempt of such distinguished favor, but not the crime of rebellion against political sovereignty. Here is the most ancient and valid recognition of the rights of popular freedom. We can better afford to lose all the examples of free institutions in Greece and Rome, than this one divine acknowledgment of the sovereign right of a people to determine their own form of government. The Divine Right of Kings is not here found, except as God has himself been popularly chosen as national ruler, and then as such adopted King he commissions whom he will to stand in his name before the people as the Lord's anointed. Since God has never offered and been accepted thus by any second nation, no

other Kings than these of ancient Israel have so ruled by divine right. The theory of a *voluntary compact* is a mere figment. Primitive governments were not so established. No state ever thus originated. Such a convention, if held, could neither on such a supposition put their laws upon any recusants, nor rightfully force these non-complying persons from a perpetual residence in the midst of them. The compact could righteously bind no longer than the lives of the original contractors, and the next generation must have its own option to perpetuate the state or not. Neither of these methods can make a state, for neither of them can authoritatively carry themselves into execution without already assuming the state itself to exist.

The *second* is the true position, that the state itself must exist in order that any civil government may be. The constitution does not make the state, but the state makes its constitution. The true conception of a primitive state, is that of an organic existence first attained in the natural development of humanity itself. It is no possible product of man's procuring, but an ordinance of God in the very process of nature's ongoing. The individuals in the most primitive society are not separate units, but already a community. "The sovereignty of the individual" can never be tolerated in any aggregate body of men that must dwell together. The freedom of the individual is the bondage of the community. The choices of each man, as they go out in execution, throw their effects upon all, and every man has an interest in each. These interacting choices, and their consequent

interests universally diffused, knit society together; it is already a unity. The individual does not and cannot isolate himself, and exist separate and alone. He may not be permitted to carry out his own choices regardless of the choices of his fellows. He is not an independent, but a composite element in an organic whole. The individual persons necessarily coalesce into one complex existence as a community. And this is the primitive state, ready at once as an organic whole to govern itself, and by an inherent authority to make its own constitution, its code of legislation, and enforce obedience upon each in the controlling and sovereign right of the whole.

This government of the state finds its *immediate* end in the control of the secular and social intercourse of its members one with another. From its very attributes, as limited in humanity, it can regulate only overt action. Neither by its eye nor its arm can it reach to the moral disposition of its members, and can thus control no further than this disposition discovers itself in the outer conduct. An inward preference, which is never to disclose itself in any executive action that shall go out to attain possession, is a mere wish; and this is wholly beyond all interference from any state action. I may wish in any way, and the state has nothing to do with it. But choice is an active preference that cannot lie immanent in the mind. It prompts to overt gratification. It cannot be formed, but it seeks its first fair opportunity to get its object. This, the eye of the state apprehends as soon as possible, and lays its hand upon it to constrain and govern it as soon as it can be recognized. A man's

wish for his neighbor's death is nothing to the state, and is thus politically innocent; but a man's choice of his neighbor's death is that "malice prepense" which the state treats as crime so soon as discoverable. The immediate end of government is the control of individual choices in their execution.

But it controls these for an end more *ultimate*. The state, as such, has its own highest good. It cannot seek the highest worthiness of its members, and thus that of itself, in pure morality. Its eye is too dim, and its hand too clumsy, that it should undertake the execution of government solely by the inner light of conscience, and the control of character and conduct by the law written on the heart in the spirit's immediate knowledge of its intrinsic excellency. No human government can make pure virtue the end of its administration. It must leave this whole field of pure morality to a more spiritual sovereignty. The highest it can reach is the control of man's outer life. It may and must encourage morality, that this outer life may be the most elevated, but it cannot constrain this outer life by morality. The constraint of pure virtue is utterly beyond its power to apply.

The state must seek the highest elevation of humanity in all the forms of its outer life. It is impossible to give what this is completely in any precise definition. It includes that whole outward manifestation of the human life which its inward perfection would secure, and can be expressed by no word more significantly accurate than *civilization*. The highest civilization is the *summum bonum* of a state. Its right, against all without and all

within, is to keep the course of progress open, and the impulse active to the attainment of the highest civilization. There is no individual sovereignty that may lift itself above the state sovereignty, and the man execute his own choice against the choice of the state in its progress to its highest elevation.

But it is not necessary that all individual choices should be controlled. Many of these may go out into execution, and no other man's choices thereby be hindered. Not then human choices as such, but only such choices in one man as conflict with the choices in another, and in this confliction of individual choices, such as collide with the public choice are to be restrained. All that frustrates the end of the state, in its right to attain its highest civilization in its chosen way, is a collision with the public choice, and this the state has inherent authority to control. This is the specific meaning of *public freedom* — that which is properly intended when we speak in the abstract, politically, of LIBERTY. Not at all the freedom of individuals, but the freedom of the community; and the freedom of no individual in anything that crosses and collides with the freedom of the community. There cannot be a bitterer nor a more hopeless bondage, than a life exposed to the collisions of every man's unhindered choices. The sovereignty of the individual is anarchy, and in this is necessarily the absence of all liberty but in the might of the strongest. All other conceptions of popular liberty but such as rests upon the choice of the state, which is the whole society in its unity, and this choice directed to the legitimate

end of its highest civilization in its own right, are but conceptions of that which in its very definition will be licentiousness.

All true liberty, thus, must have law. Individual freedom must be restrained by the choice of the community, and the choice of the community, which is the state, must be restrained by the end of highest national civilization. Civil government, therefore, finds its ultimate end in the conservation of public freedom. Not at all pure morality in its highest spiritual worthiness, but mere legality in its restraint of outward action for highest civilization. It founds on its right, against all opposition, to its free choice in the attainment of this its ultimate end. The state will ever hold that to be legally right which is in accordance with the public choice, and that to be legally wrong which hinders the execution of the public choice. I may do what I will, if it does not thus come in conflict with the public freedom, and the state will not interpose its sovereign authority to prevent me; and I may attempt anything that does thus contravene the public choice, and the state will make and apply the law that must restrain me. That the public choice should be ethically right, demands that it should be directed to the highest elevation of humanity.

With this conception of a state, and the end of government as administered by the state, we may define Civil Law to be, *the constraint of individual choice, by state sovereignty, for the end of public freedom.*

CHAPTER II.

THE STATE MAY COERCE FOR THE END OF PUBLIC FREEDOM.

It will be necessary hereafter to show that all state action must be kept within the restraints of morality, and that all its authority must be made to rest upon morality, or it becomes mere usurpation. But when the state is able to show that its authority is legitimate and also rightly exercised in all its precepts, it cannot rely upon this validity of its authority and the rectitude of its legislation for the securing of obedience. The moral obligation, from the mere rectitude of the sovereignty, will not ordinarily be sufficient to control the action of the subjects and secure the public freedom in its course to the highest civilization. Particular choices will prompt one to overt acts subversive of the rights of others, and hinder all in their progressive improvement, and the very end for which state authority exists, and in sovereignty bears the sword, is that the magistrate may be "a terror to evil doers." So far as pure morality may constrain the conduct, the coercion of the state is a nullity; but inasmuch as the multitude will not act from the pure love of virtue, the state may bring in other constraining influences. It may appeal to hope or fear, by applying rewards or by

threatening pains and penalties. This last, especially, is what is to be understood in governmental coercion.

Such use of pains and penalties is consistent with morality. These give no motives that can reach the end of pure morality in highest worthiness, but they may conduce to the end of the state, in highest civilization, without conflicting with any moral claim. The public freedom, in its march to highest civilization, cannot otherwise be preserved. Virtuous and loyal citizens may not need any such coercion, but some will be vicious and disloyal, and the public freedom will demand that they should be restrained in some way. The penal law is not enacted for the righteous, but for the vicious. Its penalties are designed to operate upon the lawless and disobedient, and hold wicked men in check, that virtuous men may lead a peaceful life. If the end of Civil Law was the cultivation of pure morality, it could not apply political pains and penalties, for the application of such could subserve no such end. But since the end is public freedom, and this may be promoted, even in the lawless, by penal threatenings, so the magistrate may make use of it and restrain for freedom's sake as far as practicable.

This is further manifest from the limited capacity of the state. It must perforce satisfy itself with the regularity of the outward life. It cannot judge the heart and determine when that is righteous from any inward inspection. If the external life of one man is as fully conformed to the claims of public freedom as another, the state is equally satisfied with both, and never has any interest in the enquiry whether this life of conformity is

the offspring of a pure love of virtue, or love of country, or from fear of punishment. Inasmuch as it must satisfy itself with the regularities of an outward life, and such application of pains and penalties may tend strongly to secure this, it is right that it should use coercion, and restrain by fear from the violation of freedom, when it is incompetent to itself to do this in any other way.

Still further, certain courses of conduct and habits of life facilitate human improvement, and give an impulse to the progress of humanity in civilization, and the direct action of government may encourage to such courses and habits and discourage the opposite, and thus throw the current of human action in the line of its own purification and refinement. This is one end of the state, not merely to hold its threatenings directly in the face of vice, but to shape by its legislation the whole habits of the people to a course that will avoid all crime, and prevent all need of penal infliction. It is bound to consult general consequences, and to prohibit present acts which will bring future public evil. Its right is to so educate the people that growing civilization shall be a constant experience. This may be done by the influence of positive legislation, and all necessary penalties, as the sanctions to such salutary laws, are fully in accordance with all the claims of morality.

The right to coerce by penalty is thus fully the prerogative of state authority.

This right to civil coercion has some special modifications and restrictions, from the necessities of the case, in peculiar circumstances.

1. *Cases where all civil penalty is impotent.* Providential occurrences may throw the citizen into circumstances, where the danger will prompt to action as much or even more than any threatening which the state might apply in counteraction. The state is here wholly paralyzed, and can only pass by in inaction. Nature is stronger than the law could be made, and all legislation would be empty. Two shipwrecked men seize an oar, or are in a boat, that can save only one; one man is perishing in the want of another's property that would save life, and this property is within his reach; or any other condition where the man is already in a greater extremity than any threatening of the law can be to him; in all such cases the attempt to interpose civil law would be folly. The question is not for the claim of morality, or the demands of piety; whether conscience or God will condemn; but solely, what can human law do?

In all such cases the state excuses itself from any interference, and throws off all responsibility by admitting its own impotence. Its valid defence to all claim from public freedom, in such cases, is in the standing law maxim for the occasion—*Necessity has no law.* This, however, does not apply to cases of great personal hazard and recklessness in the exposure of others. The engineer of a steam engine may be more exposed than any other man, but this is not a case where his carelessness or recklessness would be beyond the reach of law. He may be made to feel that, in addition to all the hazard of death by an explosion, there may be the still additional hazard of penal law if he escape the first danger.

The cases where law fails, are where law at the time can add no stronger coercion than the providential exigencies.

2. *Where civil law, in its general enactment, would induce particular injustice and injury.* All legislation must be more or less general in its included application. There cannot be laws designed and adapted to every particular case. Their particular application depends wholly upon the facts of each case as coming within the general scope of the law. The general laws of currency may liquidate a claim by a very depreciated value in the coin; a bargain in any kind of property may be legally enforced, even though the action of the government may have very much changed the market price of the commodity. Not unfrequently, the very laws designed by the state for the conservation of the rights of men and the public freedom, when carried literally out in execution, would greatly violate equity in particular cases, and be greatly oppressive to the citizen. The state cannot legislate against itself, nor can it permit that its legislation should be disregarded, but here the execution of its own laws is a plain iniquity.

In such cases the state relieves itself from responsibility and sustains its authority, by giving jurisdiction to courts of equity. The statute law is left to all future use upon its proper principle, but a higher principle of moral equity overrules the particular case, and under well known regulations the court of chancery decides the case as the general statute would not. The apology to

law is the maxim, "*The extremity of the law is extreme injury.*"

3. *Critical exigencies in the nation itself.* A special distress, a national calamity, the danger from hostile invasion or internal insurrection, may throw a state into such critical exigencies as no existing laws could meet, and the administration carried out in its legal forms would jeopard the commonwealth. Various expedients have been resorted to in such cases. A dictator has been appointed for the occasion, with discretionary power. The magistrate has set the law aside, and taken the responsibility to the state to act without law; the general has declared martial law, and subjected civil authority to military rule; and thus the nation may have been saved at the expense of discarding its own legislative authority. When the state afterwards reviews such violence done to its own laws, it apologizes for the temporary usurpation or exercise of arbitrary power, by saying, "*the laws are silent amid arms.*"

While thus the state has authority to legislate, and to coerce by pains and penalties obedience to its legislation for the ends of freedom, there are cases where either this is impracticable, or where it would defeat the very end of law, and in such cases the state dispenses with all coercion.

CHAPTER III.

A STATE HAS A NECESSITY FOR LAW.

We here encounter the anarchical theories of the age, and have need for a more extended investigation. Such theorists contemplate man as an individual, and society as only an aggregate of individuals, except as made into a community by some conventional and arbitrary arrangement. As such a factitious product, society has no rights and no authority that can be determined as belonging to it in its unity. Man is competent to find out the right, and may be persuaded into it without any application of law with its pains and penalties.

This general position of all no-government schemes has a variety of modifications. Gratification of desire is the only good, and man needs only to consult general experience and learn the dictate of prudence. If re-action and restraint from others would make the pleasure too expensive, then decline it; if not, then enjoy it. Again, the kindly sympathies and sentiments of humanity may be relied upon to regulate society. Mankind may be induced to live together orderly and quietly, from cultivated affections and appeals to magnanimity and generosity. Labor may be made attractive by proper apportionment, and each man find and love his own place,

and give to others their places in loving and confiding harmony. Socialism would thus build up communities larger or smaller, that would need no laws with penal sanctions. Or, again, cultivate man as rational, and inspire a manly love of virtue, and self-respect and public regard will be sufficient for all the ends of society, without degrading penal laws and appeals to debasing fears. Teach man; reason with him; persuade him; do not coerce him. It is his to judge all laws imposed, and if he cannot see a reason for them, he may renounce them. Commandment without explanation is tyranny, and is to be unconquerably resisted.

It is not difficult to find many evils growing out of perverse and abused political regulations; nor to put some scheme of appealing to kindness, magnanimity, and especially to conscience and reason, in such a specious and plausible light as to appear favorable for man's self-government and a cure for many of the evils of society. But it is also easy to show that authority may be so administered as to appeal to conscience, and that right sovereignty may command without explanation and the man feel obligation to it. The righteousness of governing by authority may thus be made to appear, and there may also be added the full proof that there is a necessity in human society for such government; and in this all anarchical theories are subverted.

The necessity for Civil Law may be seen in the following particulars:

1. *Many must be governed who cannot see what is politically right.* The end of all political authority, and

the ground of all right to exercise it, is found in the interest of public freedom. This gives a right to coercion, and would constrain to obedience all who are virtuous, on the ground of duty alone. But if some minds cannot see this principle, or how the facts come under it, and cannot thus be controlled by it, this would not abolish the rights of the public to freedom, nor the claim upon the state that the public peace remain unbroken.

Such subjects every state has, and is bound to control them. Children in minority, and ignorant adults are to be thus coerced, when they cannot see the reason of the law in the light of the public freedom.

2. *Many who see duty in the light of public freedom, will not do it.* Selfishness and depravity, though highly enlightened, will not, under strong temptations, be always restrained by mere ethical imperatives. The state may not jeopard the public freedom by expecting that all, who know their political duty, will do it. The liberties of no people can so be saved.

3. *There are many practical matters which only the state can settle.* Society has many wants which cannot be supplied from individual study and action, and can only be established by state authority.

At what age shall a man be rendered civilly competent to make contracts? What forms shall make contracts binding? How shall property be regulated, exchanged, or transmitted by hereditary descent? How shall the litigation of human rights be determined, and what shall be the forms of judicial decisions? Who shall be authorized Judges? And what forms of electing

them? And how invest with their office? All these, and a thousand other matters, must be regulated in some way in every community; the business of society could not go on a day without it. There must be here some uniform order of operation, and no one method settles its own expediency above all others. Only state authority can avail here. The rights and peace of a community cannot be preserved without laws enforcing such regulations by adequate sanctions.

Man is thus manifestly made to be governed. Without positive law society cannot exist. It cannot be shown that even holy beings can be kept holy without positive enactments; and in a community of depraved beings, the public freedom cannot be safe an hour without law. A state of anarchy is a state of violence and wrong. And not merely in the depravity, but also, as we have seen, in the ignorance of many, and more especially in many matters of necessary regulation for all, there is found the universal necessity for state regulation and control. Man, as a social being, is in his natural condition only when under law.

Positive Authority is precisely adapted to meet those necessities which the nature of man in society creates.

This will appear in the following particulars:

It augments to the guilty the dangers of disturbing the public freedom. Leaving all the ethical restraints of duty and remorse for its violation in full force, it goes further and threatens its own positive punishments against transgression. There is the strong probability at least, put before every one who would invade the

public freedom, that he will be detected, convicted and punished. This probability is proportioned to the virtue and vigor of the state government, and by so much is the danger of guilt enhanced and the wicked restrained.

It adds all the influence of personality to ethical principle. Ethical principle is as much violated in criminal action as before the law, but in the law there is something more than a principle. It represents all the interests, sympathies and immunities of personality. The crime is not against abstractions and idealities, but against the real persons represented in the legislation. It violates their will and invades their social freedom and peace, and is an outrage to their sentiments and feelings, and thus an offence against sentient rational beings. Thus law, as the expressed will and embodied sentiment of the community, appeals to all that is kind, tender and humane in every subject that he should not selfishly violate it, and thereby adds much strength to ethical restraint.

It puts the retribution beyond all interposition from the criminal. If there were nothing but the pangs of remorse and conscious self-debasement, the guilty might find many ways of softening or stifling these retributions of pure morality. The criminal would need only to cover his conscience by prejudices, apologies, excited passions, or to keep his attention perpetually absorbed in other interests. But here the injured public is the executor and avenger of law, and all the interests and freedom of the community press upon the state sover-

eignty to see that the commonwealth receive no detriment.

The duty is made plain by the distinct declaration of the law. Where ignorance might hesitate from its weak apprehension, the law speaks clearly; where practical principles are equivocal, the law expresses them distinctly and definitely; where practice must have some standard, and which from the nature of the case might be any one of many methods, the law directly settles which and how. Statute law, thus, in all practical measures, gives clearness to duty beyond what the reason in pure morality would supply.

The state must legislate, and by legislation it meets the want of social freedom.

CHAPTER IV.

THE RECTITUDE OF STATE AUTHORITY.

MERELY to assume authority, cannot thus make itself to be right authority. We are not bound to obey because some have assumed to command, nor because they have acquired power to crush resistance. This power may still be usurpation and tyranny. On the other hand, authority may constrain conscience as a duty without the application of its power. Even when the rightness of the precept is not at all apprehended, the naked will of sovereignty is enough to fix obligation, but it must be sovereignty standing on right authority. This is where the principles of moral science reach to the very foundation of all civil government, and it is a matter of the highest importance to determine the ground on which the rectitude of human authority, as it goes out in legislation, must be made to stand. The consideration will demand two particulars:

I. THE POINT IN WHICH SOVEREIGNTY SHOULD BE PLACED.

II. THE LINES WITHIN WHICH SOVEREIGNTY SHOULD ACT.

All civil legislation must emanate from some point, and that point must be determined by ethical principles, in order that the behests of state sovereignty may reach

the public conscience and bind to obedience in its own right, and not merely because of its power.

The first topic of enquiry is—WHERE SHALL THE SOVEREIGNTY BE PLACED?

This enquiry must be answered in the light of the ultimate end of all action in civil authority. We need civil government solely for the conservation of public freedom —securing that the public choice shall not be hindered in the conflicting choices of individuals or seditious combinations. Subordinate to this end must all political action be directed. It is thus manifest:

1. *That the general sovereignty is in the state itself.* It is the aggregate freedom of the community that is to be secured. The choices of each are to be carried out into execution under the perpetual constraint of what is the public choice. The law must secure that each one shall have a maxim for his conduct which will bear to be adopted and practised by all in the like conditions, inasmuch as all hold in common the original rights which are to be maintained. On this account, it must be that all hold in common the authority which is to constrain each within the limits of the public freedom. The state, made an organic community in the very necessity of social action by each man standing in reciprocity with all others, must be the rightful depository of all authority to legislate, judge and execute the administration of civil government.

The state is not only without a king, but before, above, and in order to all kingly prerogative. No possible claims of a *jure divino* authority, in the sense that

God has made the governors and they make the state, can be sustained by any ethical principle. Even God himself, as above seen, would not usurp the right of civil government over a people, but upon the full, solemn and public assent, and a formal ratification from the community. Exod. xxiv. God has never otherwise ordained the powers that be, than by making man social, rational and free, and thus necessary to be governed; and then in his providence throwing them together where they must institute such government, and be ethically bound to respect and obey it.

But while the state is thus the general depository of all sovereign authority, it cannot in its aggregate community establish and administer civil government. The mass cannot convene in one place, and this from year to year, that they may deliberate, enact and promulgate their statutes; and much less that they should so form a judicial tribunal for every case of trial, and an executive body for all cases of administration. Competent officials must be provided and clothed with the authority of the state sovereignty, and as thus authorized, they govern in the name of the state. In this is found the occasion for the varied forms of civil government prevalent in different ages and places. Monarchies, Oligarchies, Republics, Democracies, etc., have been instituted accordingly as the genius of the state has brought out and executed its powers of sovereignty.

Without resting in the *dictum*, "that the form which is best administered is best," we will look for the deeper principle on which all forms must be administered, and

thus that form which can, in a given case, alone be legitimate. The least deviation from the point of ethical right, so far vitiates the sovereignty, that as the less consistent it should remove and give place for the more consistent; but in practice, the disturbing of the public freedom must ever be estimated in determining upon any forcible change of sovereignty.

2. *Certain relations may indicate the probable point of right sovereignty.* The relation subsisting between the Creator and the creature, the parent and the children, etc., might be an index of where we should look for the point of sovereignty in the Divine and the Family Government. From the relation alone we should doubtless conclude, that the Creator is to be expected to govern the creature, and the parent to govern the child. And in the same way, it might be a general index that the relations between experience and inexperience, learning and ignorance, age and youth, majority and minority, etc., should give sovereignty to the former in each case.

But there is nothing in any relations which can do more than indicate a' priori probabilities. No relations can be an ethical ground out of which springs the right to govern. If a Creator could be conceived who was malevolent, he would from his creative agency have derived no right to enforce his malevolent will. The father may become so imbecile, or be so depraved, that though a father in his relation still, yet shall he have no right to govern his own children. And thus in all cases, more than any relationship must be consulted.

So in state sovereignty, some relationships may indicate where the true point of sovereignty may be first sought for, and where in most cases it will probably be found; but not at all that righteous sovereignty will rest in the relation. That can only indicate, at the best, and never constitute the right of sovereignty. For this, we must look at inherent qualifications in the light for which all sovereignty exists, viz.: that point which will best conserve the public freedom. Mere experience, or science, or age, or majority of persons to be governed, or those who should be elected by them, may lack the inherent qualifications for righteous sovereignty, and thus should not be put in the point of sovereign authority.

3. *There must be peculiar natural qualifications.* If there is natural incompetency to attain the ends of human government, such an executive can have no right to the place of sovereignty; and if assumed sovereignty be in that position, the duty is to abdicate it at once. If in the state there be not found the possession of natural qualities for a perfect civil ruler, then must the government be so far imperfect. All civil government must, in the nature of the case, partake more or less of human imperfection; but the ethical claim for the sovereignty is, the highest natural qualities attainable; and this highest qualification attainable, though not perfect, will give a valid ground, so far as natural qualities are concerned, for sovereign authority in the administration.

There should be the highest attainable intelligence to apprehend the ends of government and the means for attaining them, and the most efficient faculties to use

these means in the attainment of such ends. If from any failure of knowledge or power the government fails of attaining its legitimate end, the sovereignty is inherently in fault, and the right of every citizen is plain in its demand that the sovereign administration be changed. Where there is natural incompetency to govern, nothing can give an ethical right to the place of sovereignty.

4. *There must be the peculiar moral qualifications.* Competency of natural faculty may be connected with moral qualifications so unfit or perverse as to vitiate all title to sovereignty. The power that can govern well, but will not, can have no more right to the place of sovereignty than that which is naturally incompetent. The ethical claim is for the highest security of attaining the end of government, and for this, moral no less than natural qualifications are essential.

There must be the love of public liberty, patriotism, benevolence, righteousness, veracity, and in fine all the moral qualities which secure that the natural competency shall be faithfully applied. The government may quite as well fail for incompetency as for depravity. There must be habits of application, readiness to make sacrifices, and a spirit of watchfulness and zeal in the public good, that identifies its own interest in the freedom of the community and the prosperity of the state which it attempts to govern. All failure of moral qualifications so far vitiates all title to sovereignty.

It should be remarked here, that the perfect freedom and execution of the public choice may not be attainable by any human sovereign, inasmuch as still some subjects may transgress, and each act of transgression is so far

an interference with public peace and freedom; but the sovereignty has a valid moral title when it possesses and exerts the highest attainable qualifications in the service of good government. Its title to sovereignty is not vitiated by the offences and crimes which it could not prevent.

And it should also be further remarked, that the characteristics and condition of a community must be consulted to determine where this highest qualification for sovereignty may be found. In proportion to the intelligence and virtue of a people, the action of sovereignty may be democratic, and they elect their legislators, judges and executive officers, and hold the power in their hands for annual or frequent changes; and the best guarantee for public freedom will be in the sovereign people. But few communities have yet been found where the virtue and intelligence of the people give to the full democratic principle this surest safeguard, and in proportion to the ignorance and depravity of the people is a popular government the most destructive of public freedom. Nothing is more tyrannical than an excited passionate populace; and, in such a community, for freedom's sake, the sovereignty must be removed from the people proportionally to their degradation, and the government become monarchical and even despotical. The state has the right to public freedom, and the best security for this is demanded, and the point of sovereignty must be just where there is the highest natural and moral qualifications for securing it. There Morality must place it, and if anything put the sovereignty some where else, the right is so far perverted and discarded.

CHAPTER V.

THE RECTITUDE OF STATE AUTHORITY.

II. THE LINES WITHIN WHICH SOVEREIGNTY SHOULD ACT.

WHEN the sovereignty is legitimate, it has still its sphere of action, and may legislate and administer its laws only within a prescribed field of jurisdiction. Beyond the lines drawn by certain clear principles, the attempted action of sovereignty becomes assumption and usurpation, and all allegiance to it is nullified in its own wrong action. The principles by which the lines are drawn for the right action of sovereignty are as follows:

1. *The sovereignty may not attempt action beyond its own capacity for governing.* When sovereignty attempts to legislate or execute law beyond its capacity, it acts in blindness and weakness, and most surely perverts its end and puts in jeopardy the public freedom, by its own ignorant and imbecile attempts to subserve it. Ignorant legislation and feeble inconstant administration are sure precursors of many oppressive burdens, and ultimately induce anarchy. All things and all persons which the sovereignty is competent to use in the service of public freedom, are legitimately in its hand for this purpose,

but what it knows not how to use for this end it may not rightfully touch. All ignorant tampering with the laws and blind experiments in legislation, by any sovereign, and all crude attempts at reformations beyond his clear discernment, are as much morally forbidden to him as to any private citizen. The sovereignty is conferred, that it may wisely and not blindly administer the government of the state.

2. *Sovereignty may not legislate beyond the subject's capacity for obedience.* The only end of state sovereignty is the direction and control of individual choices subservient to universal choice, or public freedom, and can, thus, never stretch its sceptre beyond the choices of its subjects, in its action upon them, either for constraint or coercion. But all the choices of individuals contemplate such ends as lie within the subject's capacity of attainment, and after which the executive acts of the will go out for possession; and only, therefore, to the sphere of voluntary exertion, can civil government apply its agency. No tyranny can be more intolerable than a government demanding impossibilities; and such legislation can impose no other obligation than indignant resistance to it.

3. *It may not attempt the execution of law beyond its plain promulgation.* It is the business of sovereignty to provide for the promulgation of its enactments, and it is stopped in execution righteously where the law has not been proclaimed. This involves the intelligible nature of the legislation, the language in which the laws are communicated, and the manner of publication to the

people. Laws in themselves beyond the subject's power of apprehension, or inadequately expressed, or imperfectly published, carry no binding force to the subject, and of course the sovereign can in such cases righteously apply no penalties for not observing them. The wilful or careless neglect of the subject to ascertain what the published law is, must rest upon his own responsibility; but there must, previously to such responsibility, have been the opportunity given by the sovereign for knowing his edicts.

4. *It may not legislate in violation of pure morality.* Public freedom can consist only with public morality, and any civil restraint upon individual choice against the ethical claims of moral right, would itself be tyranny, and go directly to the oppression of the entire commonwealth. Sovereignty may often righteously legislate in matters indifferent to morality, where public practice must have some authorized and fixed standards, and thus make that a matter of duty which before had no obligation; but when civil authority attempts to break over the barriers of moral right, and command anything which it would be unworthy of man to perform, it nullifies its own authority by running against the ultimate test of all authority, and can only provoke contempt and universal reprobation from all virtuous beings.

5. *It may not legislate against Divine Authority.* All religious duty is beyond the sphere of civil enactment, except as religious choices enter into the public freedom which civil law is to preserve. And this preservation of religious freedom is to be secured, not by the

state making a religion or a form of worship for the people, but by protecting every man in his own religion and its forms, so far as they do not encroach upon the public freedom. God is the rightful sovereign in all religious duty, and where God has legislated in positive revelation, that is of paramount authority and binding upon the conscience, nor may any civil law dispense with such obligations, nor bind contrary to them. It would, in principle, be the same act as legislation against public morality, since it would be restraining choice in that which God had constrained, and thus in direct conflict with the highest prerogatives of human freedom. In such an attempt of civil sovereignty, it is every man's duty to respect the old noble declaration of the primitive Apostles, "Whether it be right in the sight of God to hearken unto men more than unto God, judge ye." Acts, iv, 19. God is the rightful sovereign of all sovereignties.

6. *It must judge and execute only its own laws.* The action of sovereignty, in its judicial and executive capacity, can go righteously forth only within the scope of its own legislation. In attempting to enforce other laws than its own enactments, it goes beyond its sphere and usurps that which is not legitimately its own. Whatever may be the action of the subject as against the laws of another government, against morality, or against religion, the civil power is not to redress, except as its own legislation has covered that offence, and then only as offence against its own law, and not as against another jurisdiction. All movement beyond its own legislation

for whatever intent, to convict or to punish, is an arbitrary assumption.

If the freedom of the state demand legislation in that direction, legislate accordingly and afterwards put in execution; but there may be no attempt at administration where legislation has not already preceded, and where positive retributions already promulgated do not stand out as the directory of the judicial decision and the executive action. It is a very hateful tyranny that would push its exactions beyond its own laws.

The principles in the foregoing view, fairly applied, will determine the rectitude, and in this respect the moral validity, of all human authority in civil government, and will give the true point of sovereignty and the lines within which it should act, either as legislator, judge or executor of the law. The commands of righteous sovereignty are binding upon every subject for the sake of public freedom, and with righteous authority, it may often be necessary to stand upon its own sovereignty alone, and in the eye of the subject present nothing else than the unequivocal declaration of its own will. Public freedom demands often obedience to sovereign mandates, in which no other right is seen than the rightness of the authority commanding, and the conscience of every subject is bound by it.

There are some peculiarities in the action of sovereignty, demanded by considerations of public freedom, the statement of which may most appropriately be made in the closing of this Chapter.

Division of the functions of sovereignty. In practical working, it is found expedient to separate the functions of sovereignty, and distribute the legislative, the judicial, and the executive, each into different hands. The imperfection of humanity renders the legislator liable to a partial and undue estimate of the laws of his own enacting, and that he should regard them in some measure from his own share in the making of them, and not solely from their bearing upon public freedom. It is not safe that the legislator should be the judge of his own laws, nor, for the same reasons, that the judge should execute his own decisions. The bias of personal prejudice and private interest is best excluded by separating these functions of sovereignty to different officials.

And then again, each one of these has in practice further checks and balances imposed, in popular governments, for the sake of securing the public freedom better.

In the case of THE LEGISLATIVE — there are, *first*,— the constituting of the same into *two bodies, or houses.* One a more popular representation, and the other standing upon a more general constituency, and all legislation necessarily receiving the majority of votes in each. And, *secondly*,— the interposition of a *veto.* To arrest and check rash and hasty legislation, this power of putting a veto upon legislative enactments is instituted under certain regulations, and ordinarily lodged in the chief magistrate of the nation, who may refuse to give his sanction to particular bills which have already passed both houses. When such veto is interposed, another deliberation of the legislature is demanded, and usually a

larger vote than a majority is required for the final enactment of the vetoed law. When all this is instituted and used for the greater security of the public freedom, it is in full accordance with the imperatives of political ethics.

In the case of THE JUDICIARY—there are, *first*,—*courts of appeal*. In this way the decisions of one court are reviewed by another, and if found erroneous, the former decision is reversed or set aside. Such appeals may be made to pass through certain forms, and the way lie open to several successive tribunals, but the end of all is to be found in the greater security of the public freedom. And, *secondly*,—*courts of equity*. The operation of general laws may bring, in particular cases, a denial of justice, or, indeed, great injustice. Courts of equity are established for judging, under certain fixed principles, otherwise than the arbitrary claims of law would demand.

In the case of THE EXECUTIVE—there is granted *the power of pardon*. The ends of freedom may sometimes be consistent with, and perhaps frequently be best attained by, the pardon of convicted criminals. If there has been any error in judgment, or if it be deemed that the ends of justice, or which is the same thing, the public freedom, may be as well subserved; the power of pardon is lodged ordinarily with some member of the executive, and sometimes with particular conditions and restrictions. The remission of punishment consistently with public freedom, is the end to be attained in such a power, and

should be so used only; and always is it a responsible and a difficult matter to dispense pardons safely.

The whole adjustment and operation of the civil government, like the determination of its first establishment, must be solely in the light of controlling the individual choices for the greater freedom of the choices of all. The study of politics should ever be directed by that which is the great pole-star of all political action, the conservation of the public freedom. Civil authority can rightly know no other end.

CHAPTER VI.

THE SANCTIONS OF CIVIL LAW.

THE Sanctions of Law are, *the retributions annexed to the precept to constrain to obedience.* Both rewards and penalties are here included as retributions, inasmuch as positive rewards, as well as pains and penalties, may sometimes be appended to particular enactments. But since the danger to public freedom is most from selfish choices which need restraint, it thence occurs that penalties are much the most employed. While the general freedom and peace of the state, as secured by a good government, is itself a reward to all, and thus a perpetual motive to obedience, the direct annexation of promises is of less regard, and the law more frequently makes its appeals to fear through the threatening of punishments.

There are several particulars in reference to legal sanctions which need to come under special examination, and which will best be considered in the following order: 1. THE DESIGN OF LEGAL SANCTIONS. 2. THEIR NECESSITY. 3. THEIR DEGREE. 4. THE GROUND OF THEIR RECTITUDE.

I. THE DESIGN OF SANCTIONS TO CIVIL LAW.

The grand design of sanctions to law is *thereby fully to manifest the mind and will of the sovereign.* The terms of the precept sufficiently manifest what is the will of the sovereignty, but the appended penalty goes much further than the expression of a mere wish, and manifests a settled choice, going out into direct action to secure, that the thing wished shall be done. The sovereign values obedience to his law proportioned to the penalty threatened for disobedience, and in this penalty he means to express just how much he loves obedience and hates disobedience. This design of legal sanctions must regulate the manner of their use and application, and this is the main thing to be considered under this head. They must so be used as to carry completely out their original design.

1. *They must be applied solely to the end of sustaining authority.* The end of the law is the public freedom, and the end of the sanction is to exhibit the sovereign's determination to preserve this; and thus penalty must be applied solely to the vindication of that authority, which gives the precept in the interest of freedom. It cannot be applied as a discipline, and thus apprehended as a mere chastisement to reclaim. So far as this may be gained collaterally, in the bearing of the future life and conduct of the criminal upon the public freedom, the punishment should look to reformation, but its direct action is for the punishment of guilt in order to make law, though broken, still revered and honored. The

reformation, the liberty, and even the life of the criminal must be often left wholly out of the account.

2. *Neither may penalty be applied as the product of passion*, as if the sovereign were malicious or revengeful. In it must be seen the firm and steadfast purpose to hold every choice in the subject to its right place for the freedom of the whole, and thus the intent infallibly and inflexibly to hit every violation of law in the face, and to testify in the blow, not any angry passion, but the stern displeasure of righteous sovereignty.

3. *The sanctions must also be directed to the point of personal responsibility*. They disclose the will of sovereignty in reference to particular acts, and in application to personal choices. The consequential good or evil is not intended to embrace others, but is to meet direct and inalienable responsibility for each man's own deeds. Nothing of substitution or vicarious compromise can be contemplated in the sanctions to law, since they look only to the securing of what the sovereign wills, or to the vindication of his character and authority if that will is not regarded. The only point of their application must be personal responsibility for personal deeds.

4. *The sanctions must be impartially awarded*. The will of the sovereign is exhibited in the penalty, and the majesty and authority of violated law is vindicated in it, and thus all caprice or favoritism, all personal grudge and private antipathy must be excluded. Obedience in all, for the sake of the freedom of all, is directly the sovereign's will, and the sanction is designed to manifest this, and hence in whatever form a colliding choice springs

up and breaks out into overt action, against that precisely and impartially must the arm of penal law strike with an unerring and an unfaltering blow. There must be no morbid compassion for the criminal, which would become treacherous to the public freedom; nor any weak and flexible purpose, which may be over-reached by bribes or overcome by entreaty, and thus bring the sovereignty into contempt; but a resolute spirit with its one intent on a paramount end, which can in no case be compromised—viz.: the maintaining of authority in its reverence, for the freedom of all.

The one design, of manifesting the mind and will of the sovereign in his sanctions, will direct in all their particular applications.

II. The necessity for legal sanctions.

From the nature of the case, viewed in various aspects, there must be sanctions appended to civil law, and this necessity may be discerned in its various directions by only turning the subject round in its different sides to our observation.

1. *In reference to the Sovereign.* The sovereign must not only possess, but also manifest before the subject, those qualities which give validity to his authority.

He cannot reach the public conscience and command the respect of the community in any way, except by the exhibition of the proper attributes of sovereignty. In respect to legislation, the wisdom and virtue of the precept give altogether inadequate disclosures of the qualifications of sovereignty, until we can read in the penalty

the firmness and fullness of the sovereign determination to sustain these wise and virtuous precepts. He might be a very wise teacher, a judicious adviser, a sage and patriotic counsellor, as disclosed in the precepts he should give; but it is only in the unflinching purpose to hold his authority sacred, that we can see the dignity and majesty of sovereignty reflected, and this is effected in the sanctions of law alone. A failure in the stringency of the sanction, whatever may be the precept, proves at once the incompetency of the sovereign to fill his place in the conservation of the public freedom, and the necessity that a more energetic personality should be substituted.

2. *In reference to the Law.* The precept alone is not law, and does not embody the authority of sovereignty, except in connection with the sanctions, which reveal the fullness and firmness of the sovereign's purpose to uphold the precept. Though given in the form of an imperative, it is still mere advice or counsel, except as the penalty for violation is annexed; and this must stand out as officially prominent in the promulgation of law as the precept itself.

It is not expected that benevolence, or patriotism, or virtue, will be available as the springs of universal obedience to civil law. The whole process of political government goes on the ground that pains and penalties must be introduced to constrain the mass of the community, and the legislation is not consummated and the enactment made to be law, until there is the adequate exhibi-

tion of the purpose in the penalty to constrain to obedience.

3. *In reference to the Subject.* No person stands as subject to sovereignty, and held in allegiance to authority, until first the action of sovereign authority reach and stretch its bonds of obligation over him. This cannot be complete in the mere preceptive enactment, for in this alone there is not the adequate manifestation of sovereignty. The wish only is disclosed, but the sovereign's will and purpose to maintain his legislation are not given.

I cannot know my ruler in his sovereign capacity, and he cannot hold me in his sovereign authority, until he has first put his law with its sanctions upon me. It is here only that I can read his mind and will. The only medium of connection as subject and sovereign is in this completed legislation. I do not know myself to be subject, except as I know the authority of my sovereign, and this is inadequately disclosed except by the sanctions to the laws he promulgates.

Thus, in all these aspects, the necessity for legal sanctions is obvious.

CHAPTER VII.

THE SANCTIONS OF CIVIL LAW.

III. The degree of legal sanctions.

There must be some measure for the penalties annexed to laws; and on the one side, this must not be so lenient as to invite the public contempt, nor, on the other hand, may it be so severe as to provoke the charge of cruelty and excite the horror and hatred of the community. A number of considerations must come into the account, in order rightly to estimate the degree of penalty which shall vindicate the sovereign authority, and guard the public freedom.

1. *The extent to which the vicious choice interferes with the public freedom.* In the eye of the civil authority, the heinousness of the crime is as the degree of the violation to the public freedom. Petty larceny does not so extensively conflict with the choices of all in society as midnight robbery, nor the taking of property clandestinely as the taking of life violently. The constraint against the greater crime must be by the greater penalty, other things being equal. Hence, in all cases of estimating the due degree of legal penalty, one item to be care-

fully weighed is the enormity of the offence against the liberty of the people. The purpose to vindicate authority must be proportioned to the importance of the law, and this is determined only in the light of the end of the civil authority.

2. *The strength of the criminal choice is also to be estimated.* Public freedom is the more endangered, the more determined and inveterate is the choice in conflict with it. A settled long cherished purpose to do evil is more heinous than the same act put forth under sudden temptation or high excitement. Against the former there must be interposed the stronger restraint. Whatever indicates the greater strength of the criminal choice will give an index also of the higher penalty which must be put to guard against it. This may be seen in the repetition of the offence, the surrounding restraints that have been overcome, or the violent and outrageous manner of committing the crime. Whatever determines the deeper depravity of the criminal choice must also demand a corresponding degree of severity in the penalty.

3. *The difficulty of detection must also be regarded.* The danger to the community is not always in the direct proportion to the invasion of the public freedom in the act itself. Some crimes are, in their own nature, more difficult of detection than others, and more impracticable to be guarded against by the public. On this account there is the greater hazard to public freedom from them, in the stronger expectation of secrecy, or of non-resistance, and thus the higher probability of impunity. This difference should, as nearly as practicable, be counter-

balanced by the greater degree of penalty. Thus with the counterfeiting of the coin of the country, forgery, perjury, etc. In the case of some aggravated crimes, the penalty itself being death, there is a compensation given for the difficulty of detection by a more liberal rule for admitting testimony. In the case of rape, arson, etc., the injured party may be a competent and sufficient witness, with the corroborating circumstances.

4. *When the crime is directly against the sovereignty, the highest penalties are demanded.* Sovereignty holds the condensed authority of the state in one point, and a crime against this is the highest the state can know, or the subject can commit. All other crimes are against individuals, and involve the freedom of all only in the application of a general principle, that an unpunished offence against any one invites the same offence against all. But an offence against the sovereignty, as such, strikes directly against the authority of the whole, and would cleave down the public freedom in the destruction of its only safeguard, at a single blow.

In this is the crime of *high treason*, and it should call forth all the force of state authority to its utmost extent. The occasion and circumstances of the crime, except as indicating the desperate and determining choice of the traitor, cannot be taken into the account. Whatever the occasion, this stroke direct at the sovereignty involves the very existence of the government, and must be met and overcome, if necessary, by calling out all the resources of the commonwealth. It is a commitment in which is at stake the existence of the parties. If one lives, the

other must fall; and thus if the government would not consent to its own destruction, it can have no other resource but the destruction of its enemy. Here, the highest penalty is demanded, for the sovereignty is bound to sustain its own being to the full extent of its power.

These are the principles to be applied in determining the degree of penalty. It may often be difficult to give the exact degree, and questions of political casuistry may arise, demanding the highest political experience and wisdom; but the true course is to attain the right principles, and apply them as judiciously as practicable. Criminal codes will demand frequent revision; the principles will last, the facts perpetually vary.

IV. GROUND OF THE RECTITUDE OF LEGAL SANCTIONS.

There is an enquiry here as important as any yet investigated, in reference to penal sanctions, viz.: Where is the ultimate right to execute political pains and penalties? When the sovereignty is legitimate, and the legislation in precept is right, how shall we determine the rightness of penal enactment and the execution of the punishment upon the guilty? What should satisfy the sovereign's conscience in his promulgation and infliction of legal penalties?

The enquiry, in fact, goes to the point of government or no government, for civil government is nothing without sanctions, and these sanctions are a nullity unless they are right. The administration of right laws by the application of righteous penalties, is *political justice*, and

hence this enquiry amounts to the determination of political justice in the action of state authority. The different lights in which civil government is viewed, must modify the answer to the enquiry, and if we have looked correctly to the end of civil government, as found alone in the public freedom, we shall find little difficulty, in this view, of attaining to a satisfactory conclusion.

1. *Not in any effect to be produced upon the criminal.* The application of the pains and penalties of law upon the criminal, should effect his own moral character, in inducing repentance and reformation, and the infliction should be in such a manner as will most favorably tend to such an issue. But the most effective quality in legal punishment to induce reformation would be the full conviction of its rightness, both in kind and degree; and whether this be induced or not, the repentance and reformation intended or secured cannot be the ground on which the rightness of the legal sanction must be placed. This would, in fact, make all punishment to be merely disciplinary chastisement, and deny that government has any higher end than the culture and discipline of individuals.

But civil government exists for the ends of public freedom, and this may often demand that any end, terminating in the convicted criminal, should be wholly overlooked. He may be imprisoned, banished, or capitally punished, for higher ends than his own reformation.

2. *Not in any effect which they may produce upon the public mind.* A usurping tyrant may so punish as to induce fear, and design to hold all minds in subjection to

his tyranny through the influence of the terror inspired. But such intended effect could be no ground of the rectitude of his penalties. The terror of right authority has in it a reverential and not a merely slavish fear. There is in the sanction itself a preceding rightness, fitted to inspire this reverential awe. Not from any effect produced is its rightness, but this rightness must itself first appear in order that the salutary effect upon the public mind may be secured. Not the effect of the infliction, but that in the infliction which secures the proper effect, must the sovereignty regard; and this lack of the effect, there must be a rightness in it which the public conscience approves.

8. *Not in any arbitrary infliction.* Rightful sovereignty binds the conscience in the promulgation of its mere will, without reasons. In very many cases the sovereign need not, should not, and even cannot communicate the reasons for his mandates. But the subject must have ground for conviction, that though reasons be not given, yet the sovereign has reasons, and that his commands and penalties are not merely arbitrary enactments.

Every sovereign is himself a moral being and amenable to an ethical tribunal, and his sanctions as well as his precepts must stand justified before an ultimate Rule of right in morals, or he would stand in his own sight a more vicious culprit than any one could be who should resist his arbitrary dictates. No sovereign may will arbitrarily, and make exactions and inflict penalties with no good reasons. He must have his justifying ground

in the end of the public freedom, though he should not particularly disclose how, or he would himself be the most flagrant violator of that public freedom which it is given to him to guard.

4. *Affirmatively — The rectitude of penal sanctions can only be grounded on their necessity to sustain the public freedom.* The legislative, judicial and executive — the whole complex function of sovereignty in civil government — have nothing further to regard in the justification of their action than the conservation of the public freedom. The whole morality, the entire sphere of political ethics, turns on this one center — the claims of the public freedom. Political authority has no other right to be than for this, and hence state sovereignty has nothing else to do, but to preserve the public liberty inviolate.

Whatever sanctions to law, therefore, are demanded for this, they must be enacted, promulgated, and when incurred by crime, inflexibly executed. The public conscience demands this of its sovereign, and of course justifies this in its most rigid execution. If this great end be disregarded, and something else usurp its place in the action of sovereignty, then is there injustice done to the commonwealth, and the people have a righteous complaint against their own government; and if this be unredressed, with them is the ultimate right of enforcing a reformation. Sanctions on this ground are righteous; but when enacted and executed for any other end, they are unrighteous.

Sanctions which are completely within the interest of public freedom can never, on one side, become weak and contemptible, nor on the other, cruel and revengeful. All that is within the reach of the state is given into its hand that it may be used for the end of freedom, and the most severe penalties are righteous if inflicted in subserviency to this end. Should it be objected that capital punishment is no longer necessary to the administration of a safe government, since the elevation in morals and patriotism, and the degree of civilization attained, has secured that milder penalties will sufficiently guard human life; this might be an open enquiry for fair discussion and decision, whether in the given circumstances such has become a matter of fact or not. But the principle does not admit of question, whether, if the public freedom demand capital punishment, the state has a right to threaten and inflict it? If something may as securely sustain the public freedom, the state may dispense with this and yet fulfil its end; but if nothing else will do, the state must use capital punishment, since it must guard the public freedom by any means practicable. Life itself is not so sacred as that for which life is given, and if the opportunity to attain the ends of human life cannot be maintained but by the infliction of death upon such as disturb it, the state is bound, by its mission to humanity, to inflict that extreme penalty. If the state refuse to do this when the public sentiment demands it, the populace in its frenzy, under the excitement of some fresh deed of cruelty and blood, will take the work

into its own hand, and summarily dispatch the obnoxious malefactor.

It may be argued that sanguinary punishments tend to make the people barbarous; but in the one crime of murder, it is a more important and probable opinion, that a disuse of capital punishment will directly tend to demoralize the public. The conviction that the murderer deserves to die, must be met by civil sanctions, or the very teachings and influence of the law will be to lower the standard of pure morality, and deprave the public sentiment, by making the life of man less sacred in the statute book than it is in natural conscience.

A general view of the nature and rectitude of State Authority has now been attained, but a particular application may be assisted by giving some prominent examples. We shall need three Chapters, under the following captions:

The position of the citizen in reference to the state.

The position of the state in reference to the citizen.

The position of one state in reference to others.

CHAPTER VIII.

THE POSITION OF THE CITIZEN IN REFERENCE TO THE STATE.

EVERY citizen in the state sustains a special relation to it, in virtue of its sovereign authority for public freedom's sake; and it is of importance that we determine the position, in many particular cases, which the citizen may ethically assume towards the government to which he is amenable. The legitimate end of civil government, kept constantly in view, will readily enable us to decide what rights the citizen has as against the state itself; what he may not claim in some disputed cases; and what the proper appellations to be applied, in the particular attitudes he may assume towards the sovereignty of the state.

1. *Every citizen is in some respects quite beyond all interference from civil authority.* The grand originary right of all rights is the freedom of every man to seek the attainment of his highest worth of moral character. It is in his capacity to attain and maintain a moral character, that man becomes a person and is not a thing.

His right to pursue the choice of his highest happiness is always subservient to this, that in attaining his happiness he should always subordinate it to his worthiness.

Freedom in the pursuit of happiness is always to be controlled by the imperative, to seek first what is due to his own intrinsic excellency. This originary right can never be given up by any one, nor forcibly taken from another by any one, nor even claimed as a sacrifice from any one for the freedom of all. The state may never demand the immorality of its humblest citizen, as the price to be paid for its political liberty. Inasmuch as all civil authority exists only for the public freedom, and public freedom may never be bought by individual debasement of personal worthiness, it follows that no high political sovereignty can at all lay its hand upon the citizen's originary right to determine what is due to his own spiritual excellence, and his freedom to follow it out in the attainment of his own highest moral worth.

So, also, inasmuch as where the state may restrain and coerce for the end of public freedom, it may not do this in one case and neglect it in others, but must do it in each case for the freedom of the whole, it follows that the state may never have partiality and favoritism, and guard one man's liberty by the sacrifice of another man's freedom.

There are thus individual rights which lie quite above all righteous interference from the civil authority; against which no law should lift up its sanctions; and for the sake of which, if the operation of general laws come in conflict, the government in its judicial capacity should declare the law a nullity and set aside its penalty.

Among such original rights, which no coercion of civil authority should invade, may be mentioned the following:

Equality as freedom. I may demand of the civil authority, that it shall permit me to be as free as another, in my own right. The state may never use its law, nor permit any citizen so to use it, as to domineer over and oppress any individual. Where law does not secure the freedom of the public, it must not at all interfere, but leave every man to be his own master. Law against some for the sake of a few, or any part of the community, is so far tyranny, and those against whom it strikes are not bound by it.

Unrestrained thought and belief. Thought and belief have not yet become sinful, and as thought and faith, can never come within the jurisdiction of the civil authority. No conservation of public freedom demands any interference with private thought and belief, and it is only as choices and purposes are formed which go out in overt action after their objects, that the state has any power or right to interpose and repress.

Freedom of conscience. Pure morality and religious piety stand quite beyond the jurisdiction of civil sovereignty. My right to my own self-approbation in both morals and religion is beyond all civil law, and were I to follow civil law in opposition to conscience in either, I could neither be virtuous nor pious. Not what *the law* imposes, but only what I myself propose as ultimate end and aim, can give to me either righteousness or holiness.

Unrestrained action in all things not subversive of the public freedom. Freedom to write, print or speak what I will, if I do not therein invade the public freedom, is mine beyond the reach of all civil legislation.

The public prosecutor must make out the invasion of the public freedom in what I have uttered to the world, and the choice going out in overt action to do so, or there is neither slander nor libel in any communication I may make public. Others are free to hear what I speak, or read what I publish, as they please, and neither myself nor they can come under any legal restraint, until the intent to invade the public freedom is first established.

To be held as innocent until legally proved to be guilty. If the end of government has not been hindered, and thus no conflict has come in the maintaining of the public freedom, the sovereignty has no penal claim upon any citizen; and it is the right of all to possess the immunities of the government until the charge of violation has been legally made and proved. It is the business of the state to arraign, try and convict; and until conviction, all may claim exemption from civil law.

The sovereign as fully as the citizen has the right to decide for himself what cases come within his proper jurisdiction, and where he may apply his pains and penalties in constraint of the subject, and must exonerate or coerce accordingly. But the principle, as given above, which allows some original rights to the citizen beyond the reach of civil sovereignty, must be admitted by all righteous government, and if there come any collision between the sovereign and the subject, it can only be a question of casuistry whether the particular case comes within the principle or not. In such unhappy discrepancy of original personal right and claim of governmental authority, the power of the sovereignty may for a

while carry all things its own way; but the appeal is to the ultimate standard of right which involves the judgment of posterity and of God, and at length, before the final tribunal, the assumption and oppression of the sovereign is as surely and severely rebuked as the transgression or rebellion of the subject. The subject is justified in all such collisions, in his resort to all legal prevention and hindrances practicable, and the sovereign justice should set aside all legislation which violates fundamental principles.

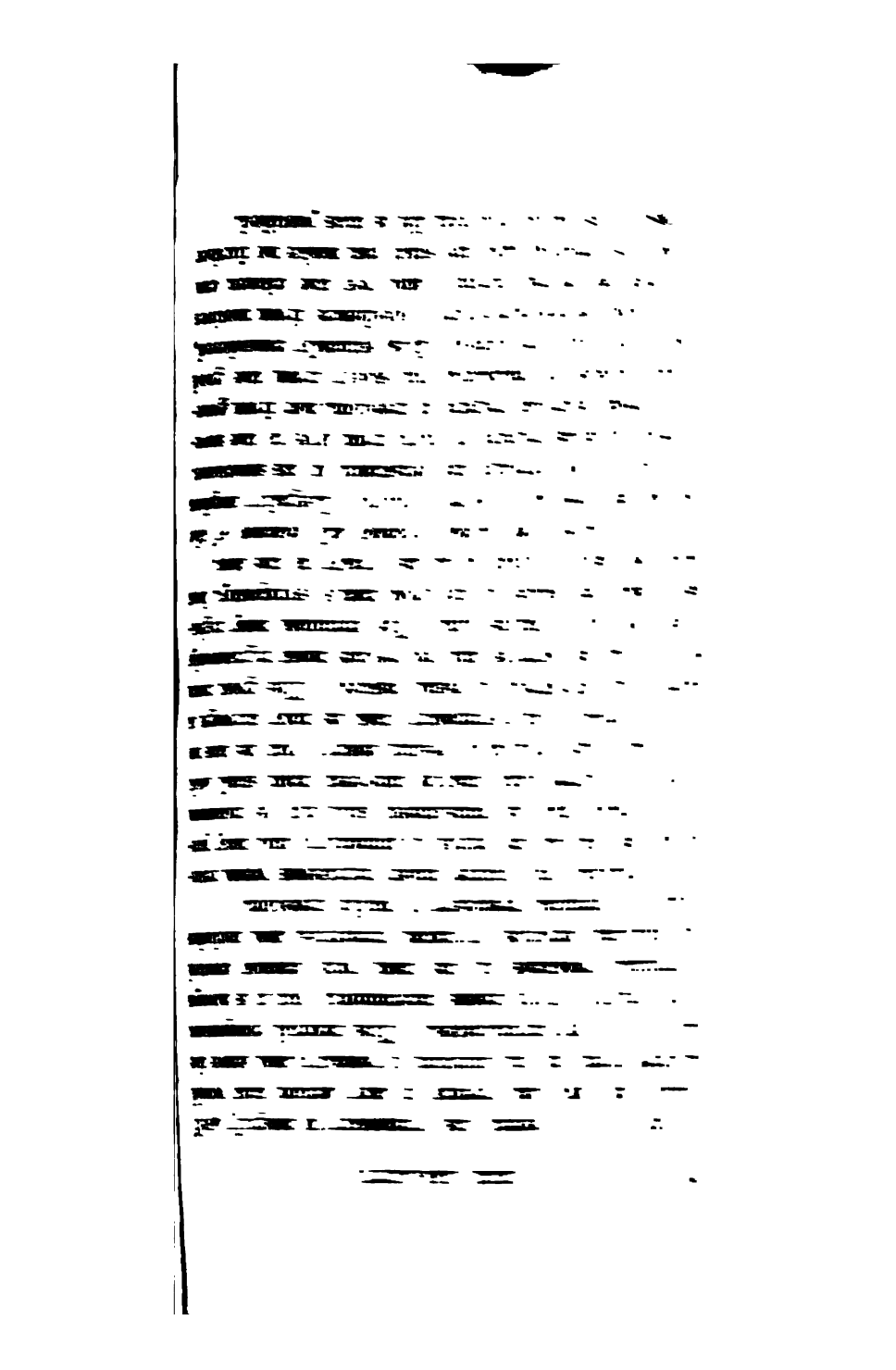
2. *The subject has no right to evade law.* From necessity, inasmuch as human government must be worked and administered by fallible men, all political regulations must have their imperfections. The eye of the sovereign cannot detect every crime, nor his arm arrest and punish every transgressor. But this defect is only in fact, not in principle. The sovereign has his right to arraign and punish every delinquent, and if any criminal evade the law in its penalty which he has violated in precept, it has been against ethical right, and a moral vice has been thereby added to a political crime.

Wherever state authority reaches, there the majesty of sovereignty is; and no man may be permitted to put forth any choice, which is not constrained by the law in harmony with the public choice. Just so far as this is broken the public freedom is invaded, and a wound to liberty as fatal in one part of the state as another. Public freedom is vital in every part, and the ægis of sovereign authority must cover the whole or no portion can be safe. The state itself, through all its organization of conne

es and interests, rights and claims, is eye, ear and to detect and arraign every transgressor. And in r subject, through all the body-politic, there is a e of political sensation which carries up to the seat vereign authority and redress the notice of any ace any where suffered. All unredressed wrong- remains as a festering wound in the state, and es so much disease and danger in the commonwealth. matter how clearly and effectually the criminal may evaded the law, he has left the virus of his crime ng its mischief in the political life of his country, he evil is no more sure in the state, than is the retribution in his own conscious degradation. No y of wickedness, nor any successful resistance to has in any manner mitigated or abolished the moral ade of the transgression. All evasion of revenue taxes, and regulations of the right of suffrage, are ches of morality, inasmuch as an ethical imperative ions every regulation of righteous authority.

The criminal has no right to sympathy against

A righteous subject of human government may sthize with human misery, in all cases of its mani- ion. It is an indignity to his humanity to harden eart and steel the breast against any suffering. It rthy of any man that he compassionate human re, and even all cases of sin and guilt. But while ıteous man may allow all the overflowings of consti- al sympathy for the sufferings of a criminal rightly hed, and would render himself inhuman if he looked e anguish of another with unfeeling indifference;



The sovereign may wish every citizen to be virtuous, patriotic, and even pious; but he can do nothing as a sovereign to enforce anything but overt obedience, and can never question the motive from which that obedience springs. Morality has its sanctions to answer its ends, and Religion has its means to attain its purposes; but neither can have recourse to state authority for the sake of making men either virtuous or pious. The hand of civil authority is quite too clumsy to meddle with the human conscience, and secure action from the pure love of virtue or the holy love of God. The political sovereign, even when he has fortified his authority by the full measure of all the claims of morality and religion, and has thus made himself in the eye of the sage and the saint to stand forth as a righteous moral governor, does not rely upon moral and religious motives to secure political obedience. He is set to guard the public freedom, and constrain the execution of all individual choices in harmony with the choice of the whole, and for this purpose he promulgates the public will in his preceptive legislation, and constrains to obedience by the application of legal sanctions, and is obliged to be quite satisfied if either by hope or fear he can keep the public freedom unbroken. He cannot demand that a single subject shall be purely moral, or religiously pious; he must be satisfied with legal obedience.

When, therefore, the citizen can vindicate his overt action before the tribunal of his country, and no charge can be sustained against him of any violation of public freedom, he may with a bold face stand in the presence

of his political sovereign, though at the very moment must blush with the convictions of his baseness before own conscience, or tremble with fearful foreboding before God. The state must stop at its own standard it sets out to conserve the public freedom by pains and penalties, and if it has secured the end by its own means it must ask no more.

5. *The citizen may righteously expatriate himself.* That which makes any man a component element of a state is the fact that, in the providence of God, the rights and interests, which call forth his choices and prompt to their execution, lie commingled in the same community with others; and the freedom of the whole, in the choices of all, demands that each should be restrained for the sake of the whole. If a ship at sea should lose all its officers, or a shipwrecked crew be cast upon a desert island, this little community would then stand in the condition of a state. The whole would have the right to restrain and constrain each one for the freedom of all.

But this would hold only so long as this community's interests and choices continued. While any one was thus a part of the whole, the sovereignty in the whole would be rightfully over him, and bind him in rightful allegiance. But it cannot lay its hold upon him in any way that shall bind him, by right authority, to stay in the midst of them. If he can leave in another ship for his distant home, or for any shore of any land, no right in the community, and no sovereignty of that community may forbid it. He may take what is his, and go his way as he will, and though he leave that community

more weak and less safe and prosperous by his absence, yet have they on that account no right but that of the strongest to detain. If he were deemed necessary to their preservation, that indeed might be an ethical imperative for him to stay, but could be no ground of righteous authority in them to hold him. The moral right of benevolence, not the political right of authority, would reach his conscience.

The citizen, any subject of a government, may thus leave that state and transfer himself to another, and violate no righteous authority of that community. If it be pleaded that the example of one has in it the general consequence of a universal adoption of that example, and thus the annihilation of the state, the answer is as above — this may be an ethical motive that should detain from expatriation in a critical extremity, but could give no authority to that state to hold him by pains and penalties. A foreigner accidentally in a state, might be as important to that state as any one of its citizens, but though even essential to its existence in some critical emergency, this could only be urged as ethical motive for him to remain, not at all in justification of an authority that would coerce him. Political authority can reach all within its jurisdiction, but cannot rightly restrain from expatriation.

If the theory of a state were that of a compact, it might be said the social contract cannot be righteously severed without an assent of both parties; or if it were patriarchal, it might be said that one child could not leave the paternal dwelling rightly without parental permission;

[illegible] were governments by divine right, it might be said [illegible] "I am the state," and no vassal may [illegible] the same basis of space exist- [illegible] sovereign, though the sove- [illegible] defiance while [illegible] to conscience to [illegible] home.

[illegible] is determined [illegible] the law. Desert of [illegible] legal penalty is [illegible] a positive reward annexed [illegible] immunities [illegible] government, [illegible] in the legis- [illegible] which it is said of an [illegible] the state.

[illegible] with the determination of meaning. A [illegible] the exact determination of the [illegible] which deserves the favor [illegible] if law be here the [illegible] it would be [illegible] its legal demand for [illegible] which an innocent citizen has [illegible] to the same by which he has [illegible] some [illegible] some scientific [illegible] may [illegible] some reward from the [illegible] which the man has no legal claim. [illegible] when the citizen has complied with [illegible] in which there is an express stipu-

lation, he may then use the law itself and claim of the government his reward; and in this point of view he has *the merit of condignity*. This may also apply to demerit, where the law claims the penalty, and we term it *condign* punishment. The first case is an instance of what is sometimes termed an *imperfect right*, while the last is a case of *perfect right*.

A citizen accused of crime and legally arraigned, is called *a criminal*, but this is not yet determinative of his guilt. When he has been legally sentenced to punishment, he is called *a convict*. When a citizen has betrayed a pecuniary political trust, he is termed *a defaulter;* and should he be adjudged to suffer legal penalty, he too would in that case become a convict. If his trust has been some high commission, as foreign ambassador, or officer of the army or navy, and he has there sacrificed the liberties of his country, he is known as *a traitor*. A citizen, who opposes by violence the direct action of the state sovereignty, whether singly or in combination, is *a rebel*. Should the rebel put himself upon the ground of original personal independence, and admit no government as a restraint upon his choices, and thus utterly disregard all the rights of public freedom, he becomes *an outlaw*. In the carrying of his choices out to execution against the rights of all citizens, he is *a robber:* and viewed as acting against the rights of all states, he is *a freebooter*. When in combination, many thus engage in practices of violence, they are known as *banditti;* and when upon the high seas they assault the flags of all nations, they are *pirates*.

A rebel may lawfully be restrained or destroyed by any citizens of the government against which he rebels; and all forms of outlawry may be resisted and punished by any portion of the human family, since the outlaw stands against the rights of mankind.

CHAPTER IX.

THE POSITION OF THE STATE IN REFERENCE TO THE CITIZEN.

The state stands to every citizen in the double attitude of protecting him in the execution of every choice not incompatible with public freedom, and restraining him in the execution of every choice which is incompatible with the public freedom. The state righteously controls each to secure the freedom of the whole. Individual freedom is universal licentiousness; public freedom is liberty under law — the restraints of each for the freedom of the community. The state rightfully commands nothing which the freedom of the whole does not make imperative upon it.

The whole difficulty, therefore, in determining the political action of the state towards individual citizens, lies precisely in this point — the determination in such cases of what the public freedom demands. The whole is thus really a broad question of casuistry, and might not improperly be altogether omitted in a higher philosophical analysis. Having attained the universal principle of political ethics in the end of public freedom, we might leave the particular facts to be brought within the principle, and each one to be expounded according to

the good sense and judgment of the student. But this general principle is itself so broad that to many it may seem quite vague, and thus incapable of definite application to many practical cases. Indeed, its application in some of the higher matters of civil government, gives secondary principles still so extensive, as often to be apprehended in the light of fundamental truths of political science.

For the two-fold purpose of attaining some of these more important political truths, in the central light of all political morality, viz.: public freedom, and of accustoming the mind to make the application of this great ultimate principle to all cases, we shall extend this Chapter over much more ground than has been done heretofore; and shall give, in distinct Sections within it, an investigation of the more prominent duties of the state, as specimens for determining all its legitimate functions.

The preliminary remark, comprehensive of these, and of all state regulations, is—*that the state can be satisfied with nothing but obedience to its laws.* An offence against law, anywhere occurring, is a wound to public freedom, and this the state everywhere deprecates. The punishment of this offence is not at all what the state wishes, rather than obedience and no punishment; but the punishment is to vindicate sovereignty that it may still subserve the public freedom, and restrain further violations. The threatening, and when the legal threat has failed the executing, of the penalty, have but one end—the securing the least infraction of the public freedom possible to be attained by authority. Not *pun-*

ishing because crime has been committed, as if that could satisfy and was an equivalent for the obedience demanded, but punishing that crimes may cease, and the obedience of the citizen leave the public freedom henceforth uninvaded. The breach already made by crime is as irremediable as the fact is unalterable: a calamity to public freedom, which the state can never redress, that it should not lament its occurrence; but can only use its power in so vindicating its authority, that it may prevent such further calamities as effectually as is to itself practicable. What the sovereign wishes is perpetual and universal obedience to his law, for in this way only can the end for which the civil authority has any right to act be attained, viz.: the preservation of the public freedom, and nothing in the place of that can be a state equivalent.

In following out the consideration of the position of the state in reference to the citizen, by Sections, we will take up the topics in the order of their more intimate connection with the sustaining of the state authority, and then pass onward to such as have a more direct and important bearing upon the interests of the community.

Section I. *Judicial Oaths.* The Scriptures condemn all swearing in our ordinary communications. "Again, ye have heard that it hath been said to them of old time, thou shalt not forswear thyself, but shalt perform to the Lord thy oaths. But I say to you, swear not at all: neither by heaven; for it is God's throne: nor by the earth; for it is his footstool: neither by Jerusalem; for it is the city of the great King. Neither shalt thou swear

by thy head, because thou canst not make one hair white or black. But let your communications be yea, yea; nay, nay: for whatever is more than these cometh of evil." MATTH. v, 33 to 37. "But above all things, my brethren, swear not; neither by heaven, neither by the earth, neither by any other oath; but let your yea be yea; and your nay, nay; lest ye fall into condemnation." JAMES, v, 12. That these prohibitions extend, only to the practice of using oaths in common communications between man and man, is manifest from the context, the Jewish practice, and especially the facts hereafter given.

The examples of good men and of God himself sanction solemn oaths on serious and important occasions. In the case of Paul: "For God is my witness, whom I serve with my spirit," etc. ROM. i, 9. "Moreover, I call God for a witness upon my soul, that to spare you I have not as yet come to Corinth." 2 COR. i, 23. "For neither at any time used we flattering words, as ye know, nor a cloke of covetousness; God is witness." 1 THESS. ii, 5. In the case of God: "I have sworn by myself, the word is gone out of my mouth in righteousness, and shall not return," etc. ISA. xlv, 23. "For I have sworn by myself, saith the Lord, that Bozrah shall become a desolation," etc. JER. xlix, 13. "The Lord God hath sworn by himself, saith the Lord God of Hosts; I abhor the excellency of Jacob, and hate his palaces," etc. AMOS, vi, 8.

The judicial oath is fully sanctioned. By the Jewish law: "Then shall an oath of the Lord be between them both, that he hath not put his hands to his neighbour's goods," etc. EX. xxii, 11. "Thou shalt fear the Lord thy

God, and serve him, and shalt swear by his name." DEUT. vi, 13. "Thou shalt fear the Lord thy God, him shalt thou serve, and to him thou shalt cleave, and swear by his name." DEUT. x, 20. The Savior's example: "And the High Priest answered and said unto him, I adjure thee by the living God, that thou tell us whether thou art the Christ, the son of God. Jesus said unto him, thou hast said." MATTH. xxvi, 63. Apostolic admission and divine example: "For when God made promise to Abraham because he could swear by no greater, he swore by himself," etc. "Wherein God, willing more abundantly to show to the heirs of promise the immutability of his counsel, confirmed it by an oath," etc. HEB. vi, 13 to 17. "For those priests were made without an oath; but this with an oath, by him that said to him, the Lord swore and will not repent," etc. HEB. vii, 20, 21.

The dictate of pure morality is precisely of the like purport. It would be an indignity to humanity and a debasement of the spirit, that ordinary conversation and daily communications of man with man, by speech or writing, should be interlarded with oaths. A man's character for veracity is more secure in public estimation, when his categorical declaration is all that he uses. The dignity of truth, ordinarily, needs only the simple yea or nay. But on the other hand, in extraordinary and solemn occasions, where more is depending on the declaration, and special confidence in it is demanded, there is no indignity to man in a solemn and religious appeal to God for the truth of the declaration given. It is to the honor of the human spirit that it acknowledge

[illegible] before the Supreme [illegible] [illegible] [illegible]

used by the state to purposes which both morality and religion approve. To deny the right to employ oaths, and discard their use, would fatally weaken all jurisprudence.

2. *The state is the administrator of the oath.* In whatever way the oath may be lawful between man and man on private or particular occasions, or in what way ecclesiastical judicatories may resort to the oath for confirmation, is not here enquired. In all cases where the end is the conservation of the public freedom, the state only is the rightful guardian, and the civil authority alone should administer the oath. As the state imposes the oath, so the person swearing must take the interpretation from the state authority. The oath is binding *secundum animum imponentis.* No other can determine for what or when it is needed; and as it is used in the interest of its own ends, the state must decide in what way it is to be interpreted to subserve its own purposes.

But while the state imposes, and this makes it necessary that the state should be the interpreter of the oaths it administers, and may insist that the citizen swearing shall be held to its own meaning, yet is the state bound to make its oaths, as well as its laws, plain to the capacity of those on whom they are imposed. If an old form of the oath have an antiquated and obscure phraseology, and one that involved a meaning in its original enactment which could not in modern use be applied, yet inasmuch as the state is a permanent agent, and exists the same while successive legislatures come and go, its inter-

pretation by declaratory acts, or decisions of courts, or the explanation of the judge, is to be that which the person swearing is to apprehend and bind himself to sustain. The ethical rule is, that the state, as imposing, shall give meaning to its oath, and see that this meaning is made plain to the one swearing, and that he feel bound to get and conform to the state meaning.

3. *The oath may imply a prayer for Divine help, or an imprecation of Divine vengeance.* The usual phrase, "So help you God," *ita te Deus adjuvet*, may imply conscious assumption of increased responsibility and conscious frailty under temptations and perverting influences, and thus an appeal to God to add his help to sustain the enhanced responsibility; as, 'may God so strengthen me, as in my sincerity I throw myself upon his grace.' Or, it may imply, as is more commonly understood, the imprecation of Divine desertion if the man prove false; 'so God help me only as I speak the truth.'

In either case it is a solemn appeal to Omniscience and Omnipotence specially to regard the entire agency of the man in this transaction, and bringing the whole directly before God. It excludes all levity and carelessness; it precludes all fear or favor from man; it renounces all pleas of interest or expediency; and disclaims all palliations or excuses for falsehood. It secures watchfulness, careful recollection, definite statement, and considerate expression.

4. *Oaths are mainly of two kinds — testimony or engagement.* Oaths of testimony involve careful recollection and assertion. The assumed obligation is the whole

truth, no more and no less. To go beyond, and add that which exaggerates or mitigates, or in any way falsely colors; to suppress and thus give a garbled statement or an incomplete representation; each alike subjects to the crime of perjury.

Oaths of engagement bind to fidelity in the fulfilment of official functions and committed trusts; and involve a careful apprehension of the duty imposed, and a scrupulous fulfilment. Sometimes a trust may have been of long standing, and passed through generations of trustees, as in the case of incorporations; in which case the oath binds according to the intention of the instrument. If changes have occurred making such execution impossible, the permanent state, which is the regulator and imposer of all oaths, must determine the manner in which the trust shall be executed; and this should be as nearly as it can be judged the founder would have wished, in the changed circumstances.

5. *The state may find two obstacles in imposing oaths.* Some minds may question the lawfulness of oaths on moral or religious grounds, and thus plead the right of conscience against the state. This brings up the question already sufficiently settled, viz.: that each must have the right of interpretation and decision, and while the state decides to pursue its own course, the citizen can only decline violating his conscience, and leaving the case to the tribunals of his country, and taking the penal consequences if they must come.

But ordinarily, a real question of conscience will have in it so much of humility, forbearance and discretion on

...the said, that it will call forth respect and regard on the ... and some compromise will be effected, by which ... private conscience and public freedom will be ... In this case, the scruples of the Quaker ... against taking judicial oaths, are met by the ... of a solemn affirmation, under the like civil ... and penalties as an oath. The same safeguard to ... a merely nominal for the meaning of a *solemn* ... to a serious mind, brings up the same reference ... eternal retributions, and induces the same careful recollection and guarded statement, and the civil ... visits a violation with the same penalties.

... these times the same authority may meet at its ... persons who believe in no future retributions, ... acknowledge the existence of no God. If the belief ... God and futurity be other than the Christian, a Christian state can administer the oath according to the faith ... the witness, and bring his conscience under this ... religion of veracity, and then leave his ... to receive credit proportioned to the elevation ... religious creed and the purity of its sanctions. ... such as the Koran or the eastern Shasters, should ... give equal validity to the testimony as an oath on the Gospels, though each may be made subject to the same civil penalties for perjury. But when there is no faith in the being of a personal Deity, or if a God be acknowledged there is still no belief in any future retributions, the case is quite different. An oath can to such be of no possible significancy, as a sanction to testimony. There is either no God to swear by, or no regard to the

oath by God, if the being of a God be admitted. In all such cases the administration of an oath would be wholly impertinent.

There may be various opinions about the right course for the state in its use of such citizens, either for testimony or trust, but the principle is itself plain, viz.: credit, in proportion to the sanctions upon conscience. The civil pains and penalties may be alike in each, but this cannot give equal validity to testimony. In the nature of the case, the believer in future rewards and punishments, distributed by a personal God, must feel claims to veracity and fidelity which cannot be made to reach the conscience of an atheist, or any rejector of future punishment for sins committed in this life. Yet just in proportion to the proper validity of his testimony, may that of an atheist be desirable and demanded by the state. The full fact of his religious belief is a fair matter of enquiry by the state, and his affirmation, without any oath, is to be estimated by the greater or less restraint which his religious faith would throw upon his conscience. If all religion be discarded, his availability for any political use in the state will be small indeed. Public confidence cannot be very strong in the protestations of any man who has not the guard of religious sanctions against the bias of selfish interests. The freedom of the public can have only feeble guarantees in a nation of infidels, and to the extent of the individuals' destitution of religious obligation, must the state necessarily distrust his testimony.

6. *Oaths should be imposed only upon important occasions.* The oath is of no benefit to the state, except as it quickens the conscience and thus strengthens the sense of moral obligation. And it is an evidence of the public sentiment in its favor, that it comes to be used so frequently in cases of testimony and promissory engagements. The strong need of religious sanctions to veracity and fidelity is universally felt, and the tendency is to introduce them on every occasion. This too frequent imposition of oaths tends directly to the destruction of the end proposed by them. Instead of increasing general religious obligation, the oath becomes common and familiar, and really loses its hold upon the conscience. Applied to unimportant and even trivial cases, it becomes a mere civil formality, and awakens but little serious reflection and caution in the person who has received it. Such effects are not to be chargeable to the imposing of oaths by the state, as if necessary to the fact, but are the consequences only of an improper administration of oaths.

The principle of using an oath only where its religious solemnity will quicken the conscience in its sense of obligation, is the only one that can be given, and this must direct in the particular cases according to the soundest judgment. The state destroys its own means of securing its ultimate ends, if it uses the oath so frequently and so lightly as to weaken its religious obligation upon the public conscience.

Section II. *Taxes and Imposts.* The state has the right to exact from its citizens the full pecuniary support

necessary to the administration of its government. This right is involved in the very existence of state authority, inasmuch as it can have no right to sovereignty if it can not claim the means necessary to its authoritative action. The grand end of public freedom makes its ethical claim upon every citizen to pay the tax which its conservation requires.

1. *The state itself must impose the tax.* The tax is never to be for any private end, and is forbidden by morality except solely as subordinate to the public freedom, and no agency can determine what and how much is due but the state itself. The state alone, through its authorized functionaries, can administer the civil government; and to the state alone can be committed the business of imposing, collecting and disbursing the national revenues. Any impost from any other quarter, than through the state authority, may lawfully be rejected by the citizen. He need pay tribute to the state only to whom tribute is due.

2. *The state is bound to equalize the burden as fully as may be upon all its members.* Strict equality of taxation may be impracticable, but that is the principle to be applied. If any great inequality exists between different classes or individuals there is so much injustice, and the state is bound to correct it. The public freedom is of equal moment to all, in proportion as their individual choices go to make up the sum of the choices in the community.

The difficulty lies in fixing upon some standard as the representative of personal choices, and thus as the expo-

ment of public freedom. This is usually, in all direct taxes, put in pecuniary value. The person is assessed in proportion to his property, or his occupation and profession, estimated as faculty according to its supposed cash value. But in many things a man's interest in the public freedom is independent of all pecuniary value, and though he may have no wealth about which his choices should be estimated, yet has he many other choices which enter into the aggregate of public freedom, and for the conservation of which it is due to the state that he should bear his righteous proportion of the burden. Hence the morality of direct capitation taxes, where the poor man is as subject to the poll as the rich; and hence also the morality of customs and duties upon various articles of consumption, where the poor man with a large family is taxed in proportion to his consumption as much as the rich with no family. These can be justified only on the ground that other choices than those in reference to property come within the ends of civil government, and that their proportionate burden should be borne by all, independent of the consideration of different degrees of wealth.

But inasmuch as taxes and imposts are usually collected in money, or at least in that which has pecuniary value, and it is upon this cash valuation that the wants and expenses of the state are estimated, it is right that the main portion of the political tax should be paid by those who have the property, and that the civil revenue should rest mainly upon a pecuniary basis.

3. *The taxed should in some way be represented in the state which imposes the taxation.* The old complaint of taxation without representation, on which much of the revolutionary movement of this country depended in its separation from Great Britain, has been long since justified by common consent. No portion of a state should be made to bear the burdens of the state, without in some way participating in the state action by which the assessment is made.

This equitable general principle finds no particular difficulty in application, except in some specific cases. The property of foreign residents, of minors, and of females is taxed in the support of government. The foreign resident owes allegiance to his own government and should not participate in the polity of another state, yet that state is bound to protect his rights in any property he may possess within it, and may thus levy its tax rightly upon it, at least to the full extent of its responsibility in defending it. The minor and the female are represented in the government by the male head of the family or guardian, and the property is thus only taxed through a virtual representative. Should some rich widow or maiden lady deny that she has any representative, the only redress could be by some particular regulation in such cases; or by the reply that they stood to the government from the nature of the case, somewhat as the non-resident, viz.: that other considerations forbade their direct participation in the state, while the responsibility of the state in the defence of their property demanded an equivalent taxation.

4. *Imposts and duties may be so levied as to encourage particular productions.* It is not here the place to determine, that an encouragement of particular productions may fairly come within the sphere of public freedom; and that thus imposts for encouragement to production may righteously be levied with no regard to revenue; but it is only affirmed here, that where revenue is the end sought, of two articles of equal importance in other respects, but where the production of one only is desirable to be encouraged, the state may levy its duty on that, as an import, and allow the other to come in free. The expediency of so doing must be settled on its own grounds, but that expediency being found, there is nothing in political morality which would forbid that taxation, which did no injustice, might be so directed as to secure a collateral benefit to the state in the raising of its revenues. Discriminating duties may be laid for encouraging production, where there is no ground for discrimination solely in the end of revenue. But this must be only in cases of equality for revenue, until a higher moral right is shown of discriminating duties solely in the end of particular encouragement to production.

5. *It is a crime to clandestinely evade any state impost.* The state has its righteous claim to the support of its government from its citizens, and all defrauding of the revenue is as truly an immorality as the breach of a contract. The citizen is not exonerated by the weakness or the ignorance of the government to compel payment, but the righteous impost being laid, the citizen is himself bound to see that the tax-gatherer has his *full rate*.

SECTION III. *Religion.* There are more practical difficulties growing out of the connection of religion with the state authority, than from all other sources; and it may safely be admitted that the ethical line between religion and civil polity has never yet, in its whole extent, been laid down in any system. The discussion of this matter is constantly coming up in our country, in various forms, and though we have settled many principles which the old governments of Europe are now agitating, and have passed on immeasurably beyond any of them in the protection of both freedom and piety, without subjecting civil liberty to ecclesiastical domination, or leaving conscience to the state control, still are there many matters connected with the interactions of civil polity and religion which are yet in fierce discussion, and likely for some time to continue in agitation before they find their right basis on which to settle. It is not probable that any system of morality will here assert its principles, and gather up its elements, in a form that will now be universally satisfactory. The keeping steadily in view, however, the ultimate end of civil government in the conservation of public freedom, and the legal sanctions it must use for the attainment of its end, will be a safe guide to our investigations, so far as by this light we are now enabled to follow them out to any practical conclusions. Further experience and discussion will in this way ultimately reach the perfect and completed issue, and attain the absolute truth in the complete harmony of the rights of civil sovereignty and the claims of conscience.

1. *The state must itself have some religion.* Its sole end is the conservation of public freedom in its course to highest civilization, and this cannot be secured without the force of religious considerations upon the conscience. A nation of wholly irreligious beings could not so govern themselves as to preserve their public freedom. Injuries to others could be so secret that the civil magistrate could not detect, and combinations so strong that the public authority could not control them; and unless there could be brought in the considerations of religious truth—an all-seeing and all-mighty God, and a future world of rewards and punishments—no civil government could long stand in the execution of its legitimate function to preserve the public freedom. The state must use the truths of a personal God, a future state, and eternal retributions for the character and deeds of man in this life. It must administer oaths, and in various ways render homage to the Deity. It must by its own public acts acknowledge some sacred rites, sacred days, and sacred books. No civil government can stand in the neglect of all religion, and no community can maintain its freedom without a government thus in some way acknowledging a religion.

And now, there can be no hesitation in affirming that the state is responsible, as a state, for the truth of the religion it acknowledges. Aside from the responsibility of nations to God, the civil sovereignty is responsible to its own citizens for its religious creed and practice. The true religion will certainly accord with highest civilization and sustain true civil freedom, and the state can in no

other manner completely attain its end in the highest conservation of public freedom, but in the acknowledgement and use of the true religion. Some religion must be employed by the state; and in proportion to its error, all states, which adopt another religion than the one true religion, involve their citizens in calamities.

But with such a universal responsibility on every state, in adopting the religion it will use in administration of its government, it is fully admitted that there is no human tribunal beyond itself that can set in judgment upon it. It is bound to do the best it can in conservation of the public freedom, and thus bound to adopt the purest religion, but in doing this it must be its own arbiter.

2. *The state must neither use religion to the injury of its civil sovereignty, nor the action of sovereignty to the oppression of conscience.* The state itself, having a determinate religious character, must so act religiously as to best subserve the end for which itself exists. The state is not for religion, but for freedom, and it must never use its religion otherwise than in subserviency to freedom. It can admit no religion to come in and domineer over its action in its own department. Religious ministers may not usurp the functions of civil office. On the other hand, it can itself become no propagandist of religion. Religion has other missionaries and ministers than state officials.

If in its religious action the state make a church and ally herself with it, this compound organization will invariably take on one of the two forms, either of which will alike be destructive of freedom, viz.: the ecclesiastical

will stand as supreme and controlling, and all things yield to priestly dictation; or the civil will be supreme, and the church become only the creature of state policy. The only safeguard against both of these extremes, is the state and the church wholly disconnected, and each acting solely in their own distinct spheres. The state can recognize the one true God, and administer oaths in his name; can acknowledge the Christian Scriptures, and Christian worship, and the Christian Sabbath, and swear upon the Gospels; without an organized state church. A state may thus be truly a Christian state, without a national church. The whole church organization may be wholly a separate and entirely voluntary matter, and state officers in their individual capacity connect themselves with its various branches as they choose. The church may thus fulfil her entire religious mission, without at all trenching upon civil authority; and the state may subserve all the ends of freedom, and use religion for it, without lording it over any man's conscience.

3. *The state must protect every man in his religion, or his irreligion, so far as public freedom permits.* Individual choices in religion may be as subversive of public freedom as individual choices in anything else. The very end of civil government is to restrain individual choice in subserviency to the universal choice. If, then, any man's religion lead him to outrage the public sentiment, he is not to be tolerated because he pleads conscience and religion for it. He might thus demand the freedom of human sacrifices, and the horrible exhibitions of pagan or papal austerities and cruelties in our public

places. The state must take its stand upon its religion, at its own responsibility, and then carry out its government in subordinating individual choices, religious or otherwise, to the aggregate choice of the community. It is on this account that it may forbid profanity, Sabbath-breaking, desecration of Christian ordinances, etc., not because it is a minister of religion, or that its pains and penalties can make any one to be religious, but because these acts are a violation of the public freedom, and its pains and penalties may compel that the public peace shall not thus be broken.

But where a man's religious action does not outrage the public sentiment, or where his irreligion leads to no conduct subversive of the public freedom, his choice is to be respected, and he protected in its execution as fully as in the case of all other citizens. The state must protect all that the public freedom can tolerate, and if a man put himself against that, and go out as a missionary to change the public religion, or the civil polity of a nation, and labors directly to subvert existing institutions, he of course understands the position he assumes, and takes his life in his hand and risks his all for the sake of the cause in which he embarks, and does not expect the government he assails will be a passive witness of his efforts to overthrow it. If he cannot convince of the benevolence and wisdom of his mission, he expects persecution.

Section IV. *Education.* It is impossible that public freedom should be sustained or civilization reached in its highest degrees, without intelligence. In proportion to

the ignorance of a people must the state sovereignty approach towards monarchy, since if the mass of the people are incompetent to self-government, the controlling authority must, for freedom's sake, be lodged in fewer hands. The necessary result is a monarch and his subservient aides, and a popular power in the state can only be recognised, as the intelligence of the people can vindicate for itself its right to a participation in the administration of the sovereignty. But it is the right of every state to attain its highest practicable measure of civilization, and to secure the public freedom in its progress towards it, and its maintenance of it, and thus there is a claim upon the state that popular intelligence should be diffused by a general system of education. It is necessary to the very ends for which civil sovereignty exists, that popular education should be secure, and hence the promotion of general education is as truly a state duty, and its regulation as really a state right as the administration of oaths, or the imposition and collection of taxes. The state sovereignty cannot fulfil the ends of its mission without its right to regulate the popular education. In proportion as the people become educated and thus intelligent, they will be competent to perpetuate and extend education by voluntary action, and the state may thus safely leave the cause of education more and more to popular direction; but it is ever the duty of the state to see that education be in some way generally diffused, and ever its right to take the cause of education into its own hands, when the highest attainment of the public freedom demands the more strin-

gent application of civil law for the securing of popular intelligence.

1. *The state may establish and regulate a general system of education.* General intelligence can more completely be effected by a systematic course of education, than by any desultory and capricious movements. For the best interests of a community in the attainment of its highest freedom, a regulated order of culture and discipline is demanded, securing as far as may be homogeneity of national spirit, thinking, feeling and political habitude. If the popular intelligence is already so elevated that voluntary organizations will carry out and perpetuate universal principles in systematic and thorough education, the interference of state authority is less necessary, and all that may be needed is the general control through university, college and seminary charters, and some more particular common school supervision. Such an intelligent population have already a specific choice in their intellectual cultivation, and like all other choices it needs regulation from the state only that it may be executed in subserviency to public freedom. The state need not impose its national systems of education by its own sovereignty, any further than the condition of the community demands.

But it is a moral claim upon every state, that it secure regular and systematic instruction for the people, and when the state imposes its national systems of education by civil authority, the conscience of the citizen is as truly bound by it as by any act of civil sovereignty whatever. The state must be its own judge both when to interfere,

and what impositions of authority to make in reference to popular education, and the action of its sovereignty here is righteously determined by the same principles as in every other part of the administration of its government.

2. *The state may levy an educational tax, and compel particular attendance.* The same ground of expediency is to be determined for these as for the general system of instruction given above. If the general intelligence of the people secure voluntarily the means of education and universal attendance, the action of the state is not needed. But if there be reluctance and delay, partial attendance and so far popular ignorance, the state has the legitimate authority to impose, collect and disburse the educational revenue, and compel the stipulated attendance upon the means of instruction provided. All particular ignorance is so far a hindrance to public freedom, and while the state provides the means of universal education, no one has the right to execute his own choice, in opposition to the public choice, by refusing attendance and continuing in ignorance.

3. *The state has the right to appoint the teachers, determine the text books, and control the internal regulations of each institution.* This right is, like all others, subservient to the great end of all civil government, public freedom; but where this demands the interference of civil authority, the right is unquestionable. Better that popular choice should control in all the above particulars, if in particular cases it be in accordance with the universal choice, or public freedom; yea, all choices should be left free here, as in all other cases where the choices of

the whole are not hindered; but if at any time, or in any place, the particular choice militates against public freedom in its progress to highest civilization, the same reason then and there exists for state interference as in any other case of public offences.

The only cases in which collisions will be likely to occur here, between state appointment and particular choices, will be in relation to alleged interference with religious faith, and thus a violation of the right of conscience. An atheist may object to all prayer or to any acknowledgment of the being of a personal God; an infidel may object to the use of the Christian Scriptures; and a Catholic may object to the use of the Protestant translation; while on the opposite sides, as strong a matter of conscience may be alleged for their public acknowledgment and use; and there thus at once comes up the perplexing questions of casuistry in reference to the rights of conscience, as in the case of oaths, or of state religious observances. But precisely the same principle must be applied here as in those cases above.

A state has, and ever must have, some form of religious faith. It must use religion and appeals to conscience, and apply the doctrine of future retributions in some way, or it cannot attain its end in the conservation of the public freedom; and this necessity for religious forms will make it necessary that it recognize some articles of religious faith. It must have its own binding oaths, and holy days, and sacred Books. It is to do nothing for religion's sake, for quite another source of authority is provided for the conservation of piety; but

it may and must employ religion for freedom's sake, and if in conscientiously so using it, it strike against individual conscience, the appeal is in all cases to an ultimate tribunal; and the only course for any individuals who may dissent from such religious faith, is to follow each the honest dictates of his own conscience, and subject himself to such retributions as the state in its judgment deems necessary for its own ends of freedom. All regard for honest differences of conscience should be scrupulously exhibited, as far as may be; yet with a single eye to public liberty, it may be necessary that the state should sometimes determine against individual conscience; and in all such cases, while the individual should preserve his own conscience in its integrity at any hazard, he must still quietly yield to the penalty, which the state in its honest regard for public freedom imposes.

A Theistic nation may thus incorporate into its national education, the religious acknowledgment of a personal God; a Christian nation may use the Gospels as a text book; a Protestant nation may use the Protestant Bible in the public schools; and thus carry out the public choice according to the public conscience, in its system of popular education for public freedom's sake; and in this its authority is as legitimate as in any civil legislation, and all conflicting cases of conscience must be regarded as forbearingly as the public freedom will admit. The points of greatest perplexity will be found in the recurrence of some of the following circumstances:

The introduction to the schools of religious forms or books, or the exclusion of them, *in the interest of religion*

itself. So Paganism may insist on its own sacred books and rites, and exclude the Bible and all Christian worship; or Romanism may insist on its own books and ceremonies, and exclude the Protestant version and prayers in the common language; and enforce such religious regulations by civil pains and penalties, on the ground that the state is bound to become a minister of religion, and must be held responsible to God for the religious faith and practice of its citizens.

But all such oppression or persecution is precluded by the principle, that the end of the state is public freedom in its progress to highest civilization, and not piety in its preparation for heaven. Keep the state within its legitimate province, and it will not need its appliances to the purifying of the religious faith, and nurturing the religious practice, and constraining the religious worship of the people. It has no responsibilities in this field, and both may and should leave all that has its ends in piety to the proper and separate ecclesiastical authority. A state that is so in alliance with the church, that it may either control, or be controlled by, ecclesiastical authority, as such, is wrongly constituted in its form of government. The controversy is here not at all about the orthodoxy of the creed, or the correctness of the ritual, but quite back in the enquiry, whether the state has any authority or responsibility in purely religious matters? Once settle the point of the legitimate end of state sovereignty, and all meddling with religion for the sake of purifying or propagating it is at once thereby excluded.

Again, the true end of state authority in the freedom of its course to highest civilization may be admitted, but a very erroneous judgment may prevail in reference to *the education that best subserves highest civilization.* A false religion may insist that its inculcation will best promote civilization; and infidelity may insist that the use of any religious faith or forms is superstition, and rather barbarizes than civilizes a community; and slavery may insist that civilization is best promoted by the domestic relation of master and slave, and that the education of the slave shall be prohibited under severe penalties. And now, whether these various opinions be held by individual citizens, or become in any one form the prevailing sentiment of the state, the evils of conflicting legislation and practice are not at all to be removed, by taking away from the state its right to judge what is the course of education that best subserves its highest civilization, but by convincing the sovereignty that neither the influence of false religion, nor the absence of all religion, nor the exclusion of the slave from mental and moral culture, can in any way consist with highest social elevation. There is here no dispute about principle, but only whether the facts are within the principle; and this dispute can be settled only by agitation, discussion, free enquiry, and growing experience and observation. If the state is right in the fact, it will execute its judgment and educate and elevate itself accordingly; if wrong, it must be left to

d experience to correct it.

y, a state may so use religion in the education people as, according to its best judgment, shall

promote civilization, but in its prosecution may
ly cross and oppress individual conscience. In
circumstances, the first requisition is, conciliation,
tion, and a spirit of compromise as far as practica-
But there can be no question that the public choice,
ng out the public judgment, is to prevail. No other
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science occur which cannot be reconciled nor toler-
the public conscience must control, and as in all
of conflicting independent judgment, each party
unflinchingly follow its own, and the only appeal is
e growing light of coming time, or the ultimate decis-
f the eternal judgment. The state is legislating and
inistering its government for its legitimate end, and
ording to its best light, and it is wholly justified in
h legislation, and in such penal execution.

A thorough system of education must in some way be
ured, or the ignorance of the people will necessarily
cumscribe their freedom; the state must see that this
somehow effected, and if religious influence be neces-
ary in such popular education, the state has the righteous
uthority so far to use it.

Section V. *Property.* Some articles of property
may be transferred from place to place, used and con-
sumed, and which may thus be considered as merely

appendages to the person, as his clothes or his instruments of labor, and these are thus called *moveable*, or *personal property*.

There are other kinds of property which are immovable and cannot be made mere personal appendages, and which from their more permanent being and durability are considered by special eminence as property, and are termed *real estate*. This is land and that which is permanently attached thereto, as buildings and improvements.

One kind of property may be exchanged for another, and this induces some standard of exchangeable value, which may be the proper representative of the amount of personal labor that the particular commodity has cost. This standard is *money*, and has its own relative value from the amount of labor or difficulty with which it is attained, and is selected from other things to be thus used from its scarcity, imperishability, and ready divisibility into minute portions. This is usually gold and silver, which are hence called *the precious metals*, and for small values, copper. The coining affixes an authoritative stamp, by which is certified both the purity and gravity of the particular piece; and in this way different coins are made subservient to all the transfers of property in buying and selling. By the use of money there is effected in one transfer, with the greatest convenience, all the exchanges of the most complicated trade in barter. The money, as bullion and as coinage, has an intrinsic value, and this is always inversely as the quantity which is thrown into circulation.

What a man produces is ethically his, and thus whatever he may make by his own powers is his property by a natural right. Irrespective of all civil legislation, a man might thus attain the natural right to personal property, and so far as he could mingle his own products with the soil, he would by cultivating the earth and building upon it attain a natural right to real estate. A community of such persons, as a state, would ethically be required in the civil legislation to regard such rights of property as truly as all other personal rights. But no rights of property can become inalienable, like the right to freedom, reputation, conscience, etc., which the person may hold against the state, and with which no civil law may intermeddle except in protection, and thus there are no natural rights of property which may not come under state regulation. The choices of each man in reference to property must, as in all cases, be kept subservient to the choice of the whole.

We have, therefore, the same end in all civil legislation concerning property, as in all other matters of state sovereignty, the public freedom.

1. *The state must have the sovereign control of all property.* Whatever the natural right may be, it must in all cases be held subordinate to the public freedom, and as the state authority exists for this end, so the state alone must determine what shall legitimately be considered as the property of each citizen. He cannot hold by natural right except as the state has determined that it is also in accordance with the public freedom. All right to property is thus, in a social community, resolved

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attains, and thus the soil itself must be secured to his possession.

The landlord to whom the land is assigned as its *owner*, may then let it to the tenant who *holds* it, and the share, given by the tenant to the landlord, of the products of the cultivation, is *rent*. The land, as permanent, becomes thus property in various aspects and degrees. The cultivator may have the right to support himself from a portion of the soil which the landlord owns, and be bound to labor a certain number of days in the week, on other land of the landlord, for his exclusive benefit, and he is thus called a *serf*. The serf may thus go with the land, in both his rights and duties, as the landlord transfers it to another. The landlord may farm out his land to a middle class, who stock it and provide the farming implements, and pay a yearly rent to the landlord and monthly or daily wages to the laborer. The *farmer* has thus a right in the land, as the place on which to put his stock and capital, while the landlord only can transfer it. So the landlord may lease his land to the tenant for an indefinite time, and the tenant hold as his property all the improvements which he may put upon it, and the products he may obtain from it, and may transfer this right of lease-hold to another, while the patroon perpetually stands as the real owner of the soil. So with the old *feudal system* of Europe, the lord held the land in *fee simple* from the sovereign, and he granted a *feud* or *fee* to the vassal; the lord engaging to protect the vassal, and he engaging to serve the lord.

But in whatever way the land may be appropriated, the state is the supreme proprietor. The soil of the whole realm is under the control of the civil sovereignty; and under the principles for which itself exists, can be managed by the state authority at its pleasure. If the public freedom demand, it can use or alienate any part of it to another nation, and each citizen as proprietor holds his land only under the supreme title of the state. While, however, each landholder holds his property under the supreme title of the state, and subject always to state control for the conservation of public freedom, yet has he a property right in the land, which is ever good as against the government. The state cannot righteously take it from him for any state or public purpose, but it must render to him a fair equivalent. He cannot retain possession as against the state, but he can claim the full value.

3. *The state must regulate all transfers and descent of landed property.* All contracts, bargains, bequests, deeds of sale and trust deeds, and all devises, wills, and descent of intestate property, must be subject to the control of state authority. There is no other way of preserving the public freedom, and of carrying out individual choices in subserviency to the public choice, but by making the important interests of property subject to state authority. Within the principles of righteous sovereignty already given, the state must say just what shall be a valid transfer of any man's property, either by his own act or, in case of his death, to his heirs.

It has thus the right to determine, between the landholder and his cotemporaries, what power of transfer he shall have; and also between the landholder and his posterity and coming generations, what control his acts shall have upon the world that shall be after him. Inasmuch as no one generation can have the right to control all property for all coming generations, so no one man can have the right to say what shall be the perpetual descent, management and use of his own estate. The state lives on in posterity, and the freedom of coming generations is more than the choice of the one living generation, and that must determine how far the living generation may throw its choices down upon others. For the one great end of the freedom of all its generations, must the perduring state sovereignty regulate and settle all transfers and descent of property, and bind righteously all the consciences of its citizens accordingly.

4. *The state must also regulate the right of property which the man may have in his own published thoughts.* If anything by natural right is a man's own property, such must the product of his own thinking be. But the man not only has a right in the product of his own intellect, the public have also their right in it. Every man is bound in the community to which he belongs, and the state authority exists and acts legitimately only for this very thing, to see that no man shall live for his own choice, but subservient to the public freedom. The product of the man's brains is not therefore all his own.

The truth he has discovered, the facts he has observed, or the forces in nature which he has combined for new

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On such grounds the state for the public's sake may rightly say just how far his copy-right shall reach, or his patent-right of discovery and invention shall last, and then the public shall own what once was his. Yet is there a strong tendency towards too little discrimination, and too summary and arbitrary action in all regulations of copy-right and patents. The interest of the public in appropriating all new inventions and discoveries for its benefit, and the ready combination of the many against the few, make it incumbent upon the state to guard with special care the interests and rights of the discoverer. Civilization cannot avail itself of new truths and inventions until they are attained and brought out, and it is the duty of the state to strongly encourage all scientific and artistic thinking. It will as effectually retard social progress to discourage thought and invention, as to give to inventors a monopoly of their products against the public. The laws must regulate all property for the end of freedom, but they must be scrupulously exact between private and public rights, and while the principles are plain between the author of new discoveries and the people, the facts are often very partially and with great difficulty subjected to them.

5. *The state may never on its own account use any property as a great government monopoly.* The state is never to come in as a distinct corporation, and for itself on its own account engage in business, and make exchanges of property, with other corporations and individuals. The state exists and acts in its sovereign authority, only for the control of every part in sub-

state has no right to do anything but with its single eye to the public freedom.

SECTION VI. *Internal improvement.* The question with us here is not one of political economy, but of political morality. Many things may hinder the expediency of a particular measure of internal improvement, when on its own ground its morality might be unquestionable. Having established the right of a state to make internal improvements, the expediency of doing it in any particular case is then an open question to be settled by the circumstances.

1. *The state has not the right to carry out its internal improvements in a course of partiality.* One of the strongest objections to internal improvements as a state right, is the partiality it encounters. Scarcely can any one improvement be of universal equal benefit, and by as much as it helps one part and not the other, it is the dishonest principle of taxing the many for the benefit of the few. But this sweeping objection proves far too much. The navy and the army, the forts and arsenals, in fine all public works and institutions, and even the sessions of the legislature itself, may give their benefits in quite unequal degrees to different portions of the country. The objection is available thus far, that the carrying out of the system must not be in a way of favoritism, nor in a manner that shall operate unequally and thus partially. If one measure favor one portion, an equal benefit should be secured to other portions by other measures. If a break-water be made in one place, a harbor may be improved, a river cleared, a ship canal

[illegible] The system, as such, must be made to operate impartially. Public freedom is at once violated by any system of partial operation.

2. *The state should not prosecute internal improvements as a monopoly, in competition with any of its citizens.* There is another source of objections to all systems of internal improvements, that it at once introduces a government monopoly, and overpowers or excludes all private competition. To this, in its broad extent, it may again be answered that it proves too much. The same thing would exclude all possible mercantile business transactions by the state. But it is a valid objection to this extent, that the state shall not interpose its action to the hindrance and discouragement of private enterprize. The state is not in existence for the purpose of doing anything that private agency can accomplish as well. If private choice can promote the public choice, or can be executed with no interference to the public choice, the state authority has no business to interfere with it. We have already seen how odious must be all government monopolies, which rejoice themselves against the prosperity of the citizen. The system of internal improvement must not crush, nor supplant and exclude, private enterprize. A government canal should not tax a private railroad, nor a government river-improvement tax a private canal, for the sake of monopolizing the transport.

3. *The state should interpose its improvements, only where individual or corporate action will be unavailable.* The impertinence of the state to interfere with private

enterprise demands this; and in addition thereto, the fact that no government operations can be managed so economically and productively as private enterprise, should exclude the state from all such improvements as can be met by the application of private capital and labor. The state has no proper call to be acting where its citizens would themselves act in the same matter, and if it should thrust itself in to their exclusion, it cannot act so profitably as they might; and thus the system of state internal improvements should only be in that sphere, which would not be reached by private operation.

4. *The state may still have a broad field for legitimately carrying forward a system of internal improvements.* If any should deem that the above exceptions would leave no ground for state action in internal improvements, which would be of any significancy to retain, the supposition would probably be for most states quite erroneous; but whether of more or less significance in national advantage, the question with us is now solely of national right, and it is quite important to know where state action may be ethically applied, without now regarding whether the field be of more or less national profit. There are many works of national benefit too heavy for private capital to sustain; many where the national benefit would be great, though the pecuniary income would not reward, and thus would not enlist private enterprise; many where the income would be so remote in time, that a generation might pass away before private capital would be brought to it; and thus an eye watchful for the public freedom, might find much for the

state is to be in advancing and confirming its civilization, where private interest and enterprise would find nothing to invite its attention.

It may well be admitted that states often engage in improvements which are truly out of their proper authority, and also as readily admitted that they often omit such as the public freedom calls for, but the sphere in which the state may righteously engage in internal improvements, and within which its authority will be binding upon the conscience, is circumscribed by plain and intelligible principles.

Section VII. *Commerce.* Every state will have productions in one portion that must be consumed in another portion, and thus necessarily an internal trade must spring up and extend itself in any community. So also every state will need to exchange its productions with other states, or to buy theirs and sell its own, and thus foreign commerce must more or less spring up in all nations. Peculiarity of production, and extent of navigable rivers, and amount of sea coast or facilities for international land transport, will modify the nature and amount of commerce, but all states will be called to attend more or less to the operations of internal trade or foreign commerce.

1. *The authority of the state must be applied to the regulation of commerce.* The conflicting choices of interested tradesmen will interfere with individual right and the public freedom in a thousand ways, if left to execute themselves in the internal business and exchange of the country in their own manner. In many respects, trade

may be left free not only from protective duties, but free from all state legislation, and the mutual interests of buyer and seller will regulate their commercial negotiations. But this is by no means universal. The nature of the case, and especially the self-interest of the parties, will present many instances, where the choices will not reciprocate, but where collisions will be engendered. And this is especially so, where the mutual interests of a common country are excluded in foreign commerce. And such collisions with the citizens of foreign states would at once provoke reprisals, private violence, and national war.

No other agency can be brought in to regulate these mercantile transactions, but the state sovereignty; and in all cases where the public freedom is concerned, the state has a valid right to interpose its authority, and bind the action and conscience of its citizens. What else might be wholly indifferent, when made a legal commercial enactment, is henceforth a moral obligation upon every citizen.

2. *The question of revenue, or protection to certain productions, is quite distinct from "the regulations of commerce."* A revenue may be raised otherwise than by duties on importations, and certain products can be encouraged and protected otherwise than by taxing the foreign article. To regulate commerce is, in its real meaning, to so control it that the collisions of interest therein excited shall be suppressed and guarded from disturbing the common freedom. Revenue and protection may be made collateral with this, and the commerce

state must do much business through the regular business channels, and if private enterprise accommodates the public, it doubtless would as well subserve all state purposes. Such a plea would subject all telegraph and railroad communication to government monopoly. A plea of state convenience is futile, for all state convenience must subject itself to the highest freedom. It is highly probable that a government post-office may ere long be done away, with many other state regulations that have been superseded in the progress of society.

Section IX. *Prohibitory laws.* Individual choices may demand complete prohibition in many cases, on account of their contradiction to the public freedom, and in all such cases the state has the right to enact and enforce prohibitory laws. The very end of state sovereignty is to guard the public freedom against all particular encroachment, and if it has a right *to be*, and to do anything, its right to restrain anything which infringes upon the public freedom is manifest. The plea of any man that he has a right to use his own as he will, is wholly impertinent. Nothing is a man's own, in such a sense that he may thereby violate the public liberty. His very life is forfeited, when his action puts the freedom of the state in jeopardy.

In all such cases, where individual passion or interest induces some to disregard the public rights of man, and invade the freedom of the commonwealth by putting in jeopardy the property, the morals, the health or lives of others, by any occupation, manufacture or traffic, the state authority is righteously exerted in effectually putting

a step to the whole business. This may apply to houses of assignation and ill-fame, gaming establishments, immoral speech or publications, manufacture and traffic in hurtful drugs and ardent spirits, and the practice of carrying concealed arms, or anything else by which the public peace is endangered.

1. *The practice of state licenses in such cases is immoral.* License to some men and prohibition of others, in the same thing, must be on the ground that a promiscuous engagement in that thing would be a public injury, while a regulated engagement would be safe. Such cases may be, where particular knowledge and skill are requisite to public safety, as in the case of licensed pilots, physicians, etc.; or where municipal regulations are necessary for general control, as in the case of licensed porters, hack-men, and public carriers. Free competition may usually regulate all such matters, but where the public need such protection, the license is righteous.

But the state itself becomes a party to the immorality, in licensing any to do that which at all times, and in all modes, violates the public freedom. It deserts its trust in permitting the public peace to be invaded, and adds to this delinquency the positive vice of taking wages for public injuries.

2. *The state has the righteous control of both parties.* If the manufacturer be dangerous to public freedom, and the user of the product also; if the seller and the buyer both contribute to the public disturbance, they are both alike within the sovereign authority to be restrained or prohibited. It is thus no apology for the one to plead,

fraud he forces no individual: he traffics only with the willing: they both force an injury upon the public, and wound the freedom of the state, and it is the duty of the state to restrain the hurtful choices of them both.

3. *It is righteous to make the hurtful products, not only contraband, but a forfeit.* Where the article is itself pernicious, it should have no protection from law. If in some uses only it can be salutary, and in all others pernicious, the state may righteously protect it as property in the one use, and make it contraband or forfeit in the other. It may often be the most expedient measure to preserve the public freedom by a regulated destruction of the pernicious product, and in all such ways of protection to public freedom, the state has a righteous authority. It may restrain the business by pains and penalties against those who engage in it, or by officially destroying the injurious article.

4. *The state interference is righteously effected, only in cases of real injury to freedom.* As in all cases, so here, the state may cease to be the conservator of public liberty and become the tyrant. It may prohibit the traffic in that which really is not pernicious, but highly salutary. The Bible itself is prohibited in many Christian countries. There may, thus, often be much tyranny in prohibitory laws, and the individual duty of obedience or disobedience is found only in a conscientious regulation of the action by the higher law, and taking the consequences of the state penalty.

Section X. *Sumptuary, sanitary and poor-laws.* Under certain stages of social advancement, it may be

necessary that the state should regulate private expenses in food, dress, equipage and dwellings. But this must be for a rude and ignorant people, whose uncultivated habits and almost savage manners demand the stimulant of stringent laws to start them on the course of improvement; or, for a weak and effeminate community, which needs the hand of power to check their prodigality and luxury. Sumptuary laws can hardly be demanded among an intelligent and virtuous population.

There may be much more occasion for sanitary regulations, inasmuch as the mass even of an ordinarily intelligent community may be very liable to neglect measures necessary for the healing of the sick, and preventing the spread of disease. Laws for cleansing, draining and ventilating towns and cities, regulating the licenses of physicians, apothecaries and surgeons, establishing public hospitals, etc., may be called for, and the establishment of quarantine regulations may to some extent belong to state authority; but the conviction is probably becoming more and more general, that the state management of health regulations is liable to be very oppressive, with little salutary effect.

The poor will be in every age of every nation. Misfortune, sickness and vice will multiply the creatures of want in every community. The hand of private charity may not often be liberal enough for a supply. Public choice would have the poor relieved, but individual choice may not effect it, hence the interests of public freedom demands the interference of state authority to

this end. It is thus probable that state-pauper regulations will be long demanded in all nations.

The highest civilization determines what should be the public choice, and thus what public freedom demands, and this the state authority should strive to execute. Its sovereignty is legitimately applied to such an end.

1. *The state should make timely and adequate provision for the poor.* That government has been unrighteously negligent, which has not made provision for meeting effectually all cases of extreme want that may arise. Sudden calamities may bring wants beyond present supplies, but the general arrangement should be constant, for calling in supplies for sudden emergencies and unusual distress.

2. *The state should leave all encouragement open to private charities.* The public choice would not hinder but encourage the application of private alms, and all voluntary acts of benevolence. It would only make up for the poor, what is lacking from individual benefactions. State laws, in any way discouraging private charity, would be both immoral and irreligious. The poor rate is not instead of charity, but a supply for the deficiencies of charity.

3. *The state should so legislate for the poor as to discourage idleness and vice.* The idle should be made industrious, and the vicious externally obedient to wholesome laws, as the condition of receiving help. Distinctions may righteously be made in the amount of comforts supplied for the poor, in a way that shall promote virtue and industry; and when the capability of self-support

returns, the public assistance should be withdrawn. Injudicious poor-laws may often become the greatest promoters of poverty and idleness, and thus an oppressive perpetuation of the evils they should have relieved.

SECTION XI. *Weights and measures, currency, and interest.* There is no natural standard of weights and measures which may be applied to universal use. The pressure from gravity is not uniform over the surface of the earth, and there is no absolute representative of extension and capacity. Exchanges and sale of products by weight and measure are so convenient in society, that some general standard becomes a necessity, and the state only can regulate and establish such standards of weights and measures as shall become universally known and authorized. There must be the specific material instruments which give a determined weight or measure, and to these must all such as are of public use be brought and compared, and then officially sealed as approved by the state authority. The state has the right to demand of all its citizens, that they regulate their commercial transactions by the use of its own approved weights and measures.

There is no more any standard of absolute value, than above of weights and measures. The amount of labor which any product may have cost cannot be such a standard, for labor itself can only be estimated by its comparative products. The amount of business-transfer demands a given amount of coinage-value for the facility of its execution, and an accumulation of coinage beyond the business of any place cheapens its value in that place,

and secures its exportation to places of greater scarcity. The relative value of the precious metals to other products, added to the value accruing in the coinage, must determine the amount of circulating currency necessary for the facility of transfers; and other things being equal, the scarcity of the metal, unless to an extreme degree, is the more favorable, inasmuch as thus the greatest values are transferred with the least bulk and weight. Authority determines, by its coinage, what precious metals it will make into money, and this, as a lawful tendery, is the ultimate legal means for cancelling all indebtedness.

The introduction of a paper-currency is by promissory notes, obligating to so much specie-payment, which notes stand thus as the representative and voucher of so much coin-money; and such banking privilege must be regulated by the authority of the state, and the amount of bank-stock and bank-circulation be controlled by its legislation according to the commercial wants of the community, and which is still but the same thing as the end of public freedom. This paper circulation may not, however, be put as the substitute for the current coin, but only as a voucher for so much of it as is indicated on the face of the note, and may not, therefore, become an ultimate standard of value and a lawful tendery in liquidating debts. A forced paper-currency, by legal enactment, substitutes a mere voucher of money for the money itself, and thus attempts to force the shadow to effect the same results as the substance, thereby cheating the public choice by giving it an empty name in the place of the

promised thing, and thus a state is made a traitor to freedom and not its guardian.

The enquiry whether morality permits the state to regulate interest for money, is two-fold, viz.: Is any interest for the use of money right? and if it is, may the state interfere and establish usury laws? The difficulty with the first question is found mainly in the determination of the representative-character of money. If it be only a representative of value, and not at all possessing any intrinsic value, why should it be itself taxed, or made to command a price for its use as if its use had a real value? The products which it represents have their value, and they are rightfully taxed as having an intrinsic value in their use; but why should their mere representative be again taxed, when it is of no value in its own use? It is paying for the substance, and then paying over again for it in its shadow. All the products of a country are all its real wealth, and all the money of the country is only a representative of the real value, and yet we are doubling the profit by striving to use the property of the country twice over, once in the products and then again in the money which only represents these products.

But this perplexity, originating in a false principle, is removed by removing the fallacy which occasions it. It is not true that money is a mere representative, and has no intrinsic value as itself a product to be used to any advantage. It has in itself intrinsic useful properties as money, and is thus an addition to the wealth of a country in all its other valuable products. We take first such

products as are the necessaries of life, the materials for the food, clothing and shelter of the inhabitants, and their intrinsic value is in their direct subserviency to the necessities of mankind. But even such essential products cannot subserve man's necessities, except in their distribution. The grain in one portion of a country cannot feed those in other portions, except as distributed to them. The means of conveyance are as necessary as the food to be conveyed. The ships and canals and railroads and freight-trains cannot be eaten, and yet the *food* cannot any more be eaten without them. And thus with all the implements and utensils for raising grain, and all the mills and machinery for preparing the grain to be eaten: they become as necessary as the grain, and in this connection have as truly an intrinsic value. They are all products which have a valuable property, and all go to make the wealth of a nation. The accumulation of such products, beyond the demand made for them in the grain to be raised and distributed, would be valueless; and in this sense they are the representatives of the grain of a country; but up to the demand the grain makes for them in its being grown, distributed and manufactured, they are not mere representatives, but necessary products of intrinsic value for mankind, and enter directly into the capital of the country.

Even so with the money of a nation. Attempt to bring together all these means for raising and distributing grain, without so much money as shall give facility to the transfer by once exchanging, and the intrinsic value of money will be made apparent. If all exchange

in building ships, canals, railroads, etc., must be made through the repeated bartering of one heavy product for another, the means for an extensive distribution of grain, and so also of any other necessary of life, would be wholly unattainable. The money which facilitates such distribution is itself as real property as the farming implements or the wagons and freight-trains, by which the grain is raised and transported to the consumer. It is as morally right that it should be taxed, or that it should receive an interest for its use, as any other product of value.

And so, moreover, may the deposite of money in bank be augmented in value, by means of the circulating bank-paper which is based upon it. If it be safe to issue one-third more in nominal value upon the face of the note, than the real value in coin deposited in the vaults of the bank, and thus two dollars be made to do the work of three; and, moreover, if the paper circulation facilitate exchanges and distribution of products necessary to the comfort and convenience of the community, by its greater convenience; there is a real addition to the wealth of the country, and the bank itself is a product which has an intrinsic value as property, and thus may be both taxed, and demand a determinate per centage as the proper price for the use of its facilities. It is not a mere issue of paper vouchers, but an efficient producer of substantial wealth to the country, when employed only so far as the exchanges of the community demand.

The answer to the second inquiry is direct from the very end of the state. If the practice of loaning money

is regulated as naturally in the commercial operations of society, as that of building, using and selling ships, rail-road cars, etc., then there will be no need of usury laws, forbidding more than certain rates of interest. But if the possession of money give the opportunity for taking an advantage of the necessities of a business man, and thus capital be found to oppress labor, as probably in its unhindered action it often will, then is it the right and the duty of the state to interpose its authority and its penalties for the defence of the oppressed laborer. The state is bound, however, to so apply its usury laws, and all legislation for defence against extortion, as not to aggravate the evil it would cure, by making loans more difficult and more burdensome in the end to be effected by the laborer. A law may often aggravate the very grievance it proposes to cure.

Section XII. *Revolution.* The state is distinct from its government. The forms of government may change; dynasties rise and pass away; official administrators be forcibly displaced for others; but the one organic state continues through all these changes. Revolutions, thus, take place in government, not in the state. A state may be subjugated, annexed, annihilated; but not revolutionized. When we speak of a revolution, we are to understand a sudden and violent change in the point of sovereign authority. Reforms may change, more or less suddenly, important portions of the government and its administrative functions, but it is not a revolution *except* as the entire place of sovereign authority turns over.

1. *Revolutions are justifiable when the public freedom demands them.* Reforms may be demanded in the same government, from the changes in the people and their circumstances, in order that the public choice may be more fully executed, and in all such cases the reform is righteous, and thus a true and not a misnamed reform. But changes may also become so great in a people or their circumstances, that no possible reform in the government can reach the demand of public freedom, but there must be a complete revolution of the sovereignty in the government itself. When this is truly demanded by the end of all government, then for liberty's sake a revolution is as righteous, as in the above case was the reform. That government which cannot subserve the ends of public freedom to the greatest practicable degree, ethically should give way to one that can; and if it selfishly resists, it should be put out by force.

But in the estimation of the public freedom, the evil to it in the violence of the revolution itself must be included, as truly as that which accrues from the present perversion and oppression of sovereignty. If the evil to freedom is greater from the violence necessary to change the sovereignty, than that in its present perversion, the time has not yet come for revolution. There is oppression which lies as an immorality at the door of the government, but this cannot justify a greater oppression from any one in correcting or expelling it.

2. *It is the state only which has the right to revolutionize.* The only real authority for political government is the state. Sovereignty is righteously of the state, and

for the true patriot, who aims to revolutionize his government, is thus to call out the state to the expression and execution of its own sovereign authority. It is not for him nor his associates to assume the sovereignty; to dethrone that which is, and put up another; it is only to awake the state to do it. And in attempting this work, they should all know distinctly the position they assume. To them, the cause may be good; the call may be the real cry of the public freedom; but if the state does not awake, and act, and take this work into her own hands, then verily they may not usurp it. And they attempt to so arouse the state at their own peril. They assume the responsibility of the first step; and if the state awake and throw off her oppressors, she will probably hail them as the saviors of her liberty; or if she does not put forth her sovereignty and make the political revolution, she will probably act through her already existing government, and hang them on the gibbet. Another alternative may still be, that what was taken as the state does awake and struggle manfully against the powers that be, but that the existing sovereignty is found too strong and crushes all before it, and both the assumed state and her heroes go down together. Thus it is, that in revolutions the successful agitator is the savior of his country, and the successless one, a rebel. He takes the responsibility of the issue, and posterity, the tribunal of ultimate ethical equity, will determine whether he conquered or died as a patriot.

4. *Those that resist a revolution take their position also at their peril.* It may prove that the sovereign

whom they uphold will be cloven down by the state, and all his defenders with him. They may act sincerely in sustaining the attacked government, but they may be unable to do what is. Thus in times of revolution all is peril, and all hands sit heavily on their shoulders. The foundations of civil law and order are shaken, and we are made to feel how fearful is a time of anarchy.

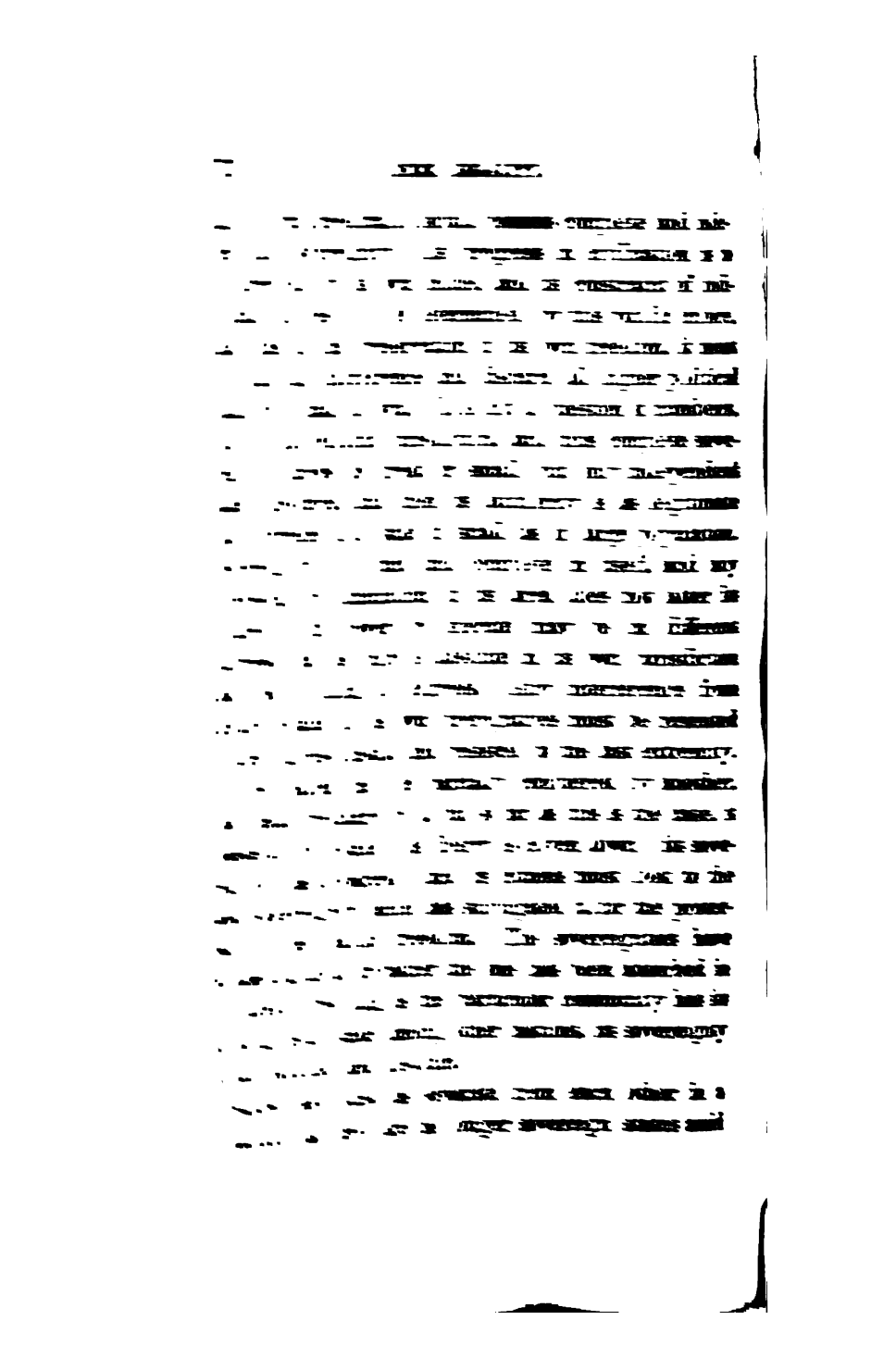
CHAPTER X.

THE POSITION OF A STATE IN REFERENCE TO OTHERS.

THE boundaries of nations are fixed by many contingent circumstances. Distinctions of race, colonial origin, conquest, or arbitrary conventional regulation may have determined the people and the extent of country which shall be embraced by one state, and thus the lines of its political jurisdiction. Many state sovereignties are in this way cotemporary and some conterminous with each other. It is a natural consequence that nations must have more or less mutual intercourse, and it is important to apprehend the principles in moral science which must control all international connection and communion.

1. *The sovereignty of each state is independent.* The progress of events in the ongoing of nature, and not the application of ethical principles, determines the distinct identity of nations. We have, thus, no occasion for applying moral science to the origin of nations and the determination of particular sovereignties, but only to such sovereignties as already exist together.

But where we find an existing state, occupying a given territory and inclusive of a specific population, and thereby separating itself from all other communities in the responsibility of guarding its own rights and conserv-



he nations; the true state, as such in its national identity, is in the one republican sovereignty.

2. *International regulations must thus rest upon the basis of pure morality.* It may be an ethical claim, in the right of universal freedom, that nations shall be restrained in their intercourse with each other by some well understood and mutually admitted regulations. National consent, by long precedent and practice, has given validity to many such regulations and which, as combined in written treatises, are known as *the Law of Nations.*

But no political authority exists which can throw its restraint over independent sovereignties. This code of national law emanates from no sovereign legislative, and can be administered by no political executive, and is thus no law as based upon positive authority. It stands only as an appeal to the public conscience of mankind; that which is ethically due from one nation to another in national community; and holds thus all to the claims of each in the right of pure morality. The precept can only appeal to that which is the highest worthiness of a nation—in the best sense, to the national honor; and while its end is the conservation of the liberties of nations, as national law is for the conservation of public liberty in a state, yet can it bring in no sanction of pains and penalties; no judicial tribunal nor executive administration; nothing which can be termed positive authority, that holds to obedience simply because it is enacted. The only origin, and the only sanction, is the public conscience. There will come the self-degradation of the

some which violates it; and the public abhorrence, moral contempt and indignant condemnation, of all people towards it: but if there be not a violation of sovereignty, and an invasion of the liberty of independent states, there is no way for the other nations to inflict positive punishment for it. Jehovah only is the sovereign *arbiter* of nations, and to him vengeance belongeth; other nations may conscientiously condemn and abhor, but they have no jurisdiction authoritatively to arraign, convict and punish.

With this end of universal freedom in view, and the appeal only to the public conscience of mankind to attain it, we may apply the principle in various ways, and determine what is the righteous position of one nation to another in many particulars. As in the last Chapter, so here, we will put the particulars under different sections, and give some of the more important as examples for all.

Courtesies due to the Comity of Nations. States stand to each other in many ways as persons, and thus reciprocal respect and courteous treatment should be manifested among nations. The methods of manifesting this national courtesy are various, but long habit and precedent have settled many customs which are now demanded in the intercourse of states by the comity of nations, and a disregard of such customs would be derogatory to the civilization of the state which carelessly permitted it, or a mark of disrespect and an insult to the nation to whom it should obviously be exhibited.

Some of the methods of manifesting such national respect and courtesy are the customary salutations of the

national flag; the honor given to all accredited ministers, embassadors and plenipotentiaries, in their persons and the communications they may make; the usual forms of diplomatic intercourse and etiquette of courts; and in the admission of the citizens of other countries to travel or reside among them on equal conditions. Special marks of honor may also be given by special national salutes, the participation in the signals given of national rejoicing or mourning, and in public attention and honors paid to the officers or statesmen who may be present from another nation.

Such acts of courtesy and comity are demanded by morality among friendly nations, not only as they conciliate mutual good will and stregthen the bonds of peace, but from the same reason that respect is due from one person to another. Nations are composed of persons, and a state itself in its sovereignty may be said to have a personal character, and the intrinsic dignity and excellency of moral personality ethically demands tokens of respect and appropriate regard from all other persons. It is as truly a disgrace and degradation to a state to disregard these claims to national respect and honor, as it would be to an individual to treat his fellows insolently and contemptuously. The common sense of the world would mark such disrespect with disapprobation, and the nation offending against the claims of general comity, would lose much in its character and influence among all civilized people.

Section II. *Treaties.* Various reasons in the intercourse of nations demand specific treaties, which are of

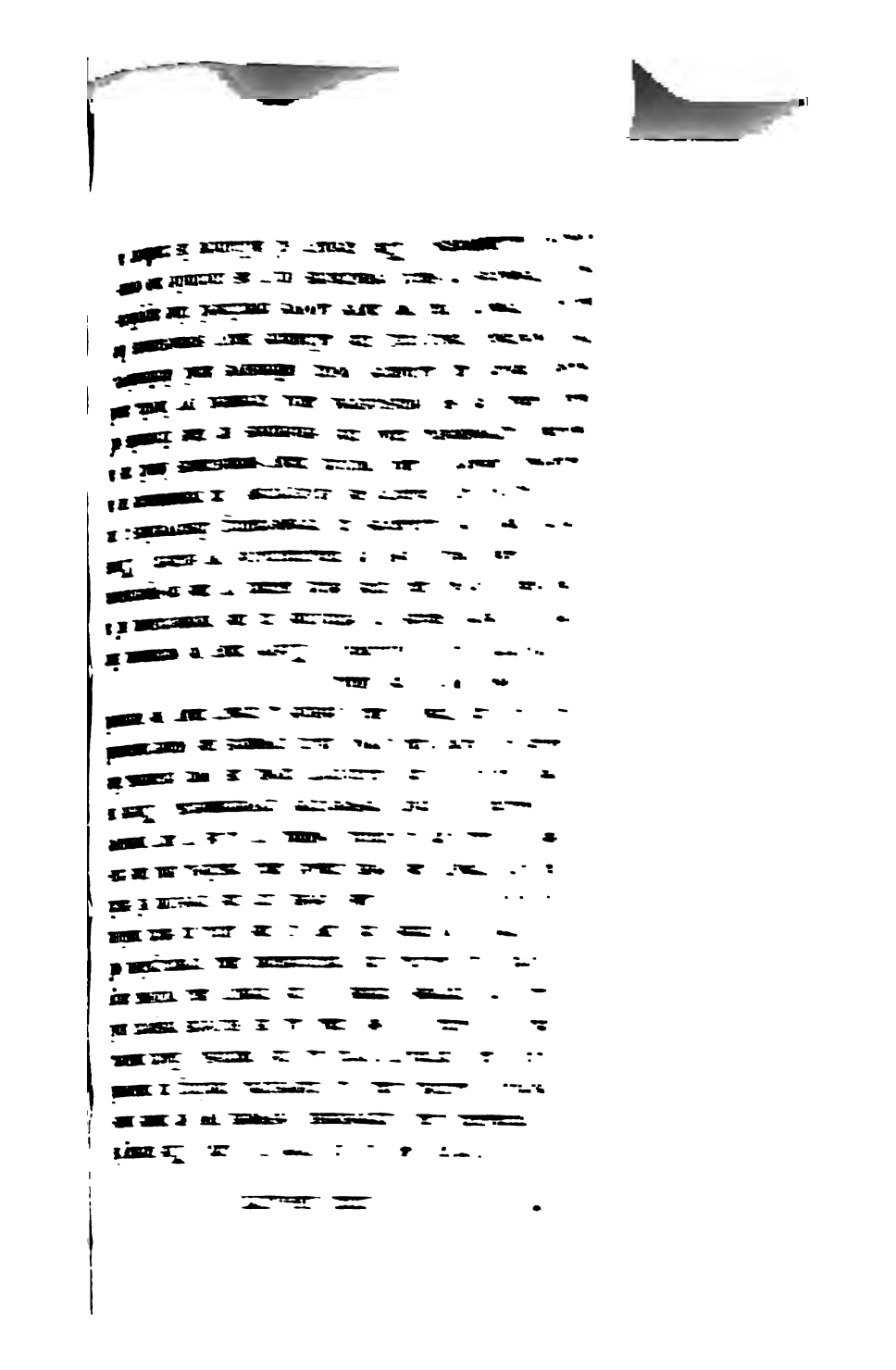
the nature of national contracts between one state and another. If the claims of political ethics be apprehended in the light of distinct national personality and responsibility, the general principles which should regulate all treaties between states would be easily found and applied, though doubtless strongly condemning the usual license taken in national negotiations. Selfishness and all dishonesty between nations is as truly an immorality and as highly derogatory to the moral character of the offending party, as the like iniquity between individuals. The Rule of right is as strict and peremptory in its imperatives upon states as upon persons. These treaties may refer to commercial interests, boundary questions, fisheries, colonial intercourse, articles of peace, and indeed in reference to any mutual interests between different states.

1. *Each state is sovereign, and has equal rights as party in the treaty.* The stronger nation has no ethical prerogative over the weaker, but must come into the negotiation as an equal, fully admitting all the rights of sovereignty in the entire transaction. If one state has been beaten in war, weakened and crippled by the army and navy of the other, so long as there is not complete subjugation and thus the merging of one sovereignty in the other, there is no right in the victorious nation to take advantage of the weakness of its adversary, and impose hard and oppressive conditions of future peace and amity. [illegible] no more gives right in a nation than in an individual, and the dishonesty is the more dastardly when it takes advantage of weakness to wrong and oppress.

2. *No treaty stipulations may involve any immoralities.* Whatever is against pure morality or the higher law of religion is precluded ethically from all treaty stipulations. No matter how apparently advantageous or expedient to one or to both of the parties, the claims of morality or of a higher authority cannot righteously be violated by either party. The treaty is ethically a nullity so far as it includes unrighteousness.

3. *Each party must have the right to withdraw from a treaty of indefinite time, by giving suitable notice to the other.* National sovereignties are permanent, and in process of time the treaty which has been mutually beneficial may become onerous and unjust to one party. Equity demanded that at first one nation should not wrong or oppress the other, and the same imperative is instant. If the circumstances, therefore, have so changed that the perpetuation of the treaty stipulation is injurious, that party has the right to withdraw from it without censure. This should not be done suddenly and arbitrarily, but comity demands that it should be officially asked by the one, and equity demands that it should be granted by the other.

If a time is stipulated for the treaty to run, such advantage cannot be taken; for the fixing of the time manifests that both parties agreed to run the hazard of all changes until its expiration, and thus have given up the claim which the changes of circumstances would else have made equitable. If, however, this lead to great oppression and injury, the benefitted party should not take the advantage.



league, and includes the idea of mutual assistance. This may sometimes be very extensive and almost universal among civilized nations, as in the suppression of piracy or the slave-trade.

The same principles apply here as in the case of all treaties or contracts, but in so far as there is anything special it may be remarked,

1. *That such alliances may be altogether righteous.* There may be good reasons why states should continue in separate sovereignties, and yet combine their resources for some ends of mutual benefit. If the freedom of each is better preserved on the whole than would be done by the absorbing of one sovereignty in the other, then ought the states to remain separate; but if in some things a combination of effort is for the freedom of each, it is the righteous privilege of such states to enter into such alliances. Nothing derogatory to the rights of sovereignty in either is effected by the co-operation of both, since both come into and continue in the alliance on equal rights of sovereignty.

2. *That such alliances must strictly regard the rights of all other states.* Should such combined operation injure others, it would be immoral, and especially if the alliance was formed for the purpose of encroaching upon the rights and freedom of any other state. No states, singly or combined, have any right to the advantages gained through the injury done to others, and all joint operations must be prosecuted in good faith with all other states.

[redacted]

ence of the combined public sentiment that they represent may give to them, within the sphere contemplated in the articles of confederation.

1. *Such a congress can exercise none of the prerogatives of sovereignty.* Each state still maintains its own independent sovereignty, and is responsible for the public freedom of its own citizens; and the congress of delegates representing them has nothing of sovereign authority over all or either. They cannot properly legislate, and their acts are only advisory and recommendatory measures, depending for their general observance upon the interest which all feel in the confederation, and the weight of moral character which it embodies. They can neither levy taxes nor execute any laws, but all acts of sovereignty are confined to each state within its own jurisdiction; and any one may at pleasure withdraw from the confederation, or refuse to carry out the resolves of the congress, and there is no authority to call to an account or to compel co-operation.

2. *An army and navy for the common defence may be entrusted to it.* The congress has no sovereign authority to raise an army and support it, but it may apportion the proper amount of men and military supplies to each state; and when the states have made their particular levies, they may commit the whole to the more effective management and use of the congress. According to the articles of agreement, the congress may appoint general officers, direct the campaign, and call their own officers to account; and anything may be committed to it not

inconsistent with the preservation of sovereignty in each state.

3. *If articles of war or peace are concluded by the confederation, there must be the sovereign assent of each state.* The congress may be the agent of the confederated states in appointing plenipotentiaries for negotiation and conclusion of treaties, but the full power of these ambassadors is derived from the common consent of the state sovereignties, and the treaties formed are ratified by their authority, and not that this congress has any sovereign jurisdiction, or is other than an accredited agent of each of these distinct sovereignties.

The congress may, perhaps, in cases of urgent interest, sometimes exceed the articles of agreement and presume a tacit consent of the states; but it is on the same ground that under special exigencies any agent may transcend his instructions, subject to the subsequent approval or rejection of the principal. They should in all critical cases consult the supposed intentions of the states, but no case of their unauthorized responsibility can bind the states.

Section V. *Republic.* A number of distinct independent states may, for their common benefit, go much further than in forming an alliance or a confederation, even to the bringing of themselves into one nation so far as all international intercourse is concerned, and giving to this national government all the powers of their individual sovereignty under a constitution, and this constitution thus forms them all into one Republic, which has as complete and undivided sovereignty in its sphere as

that of any single sovereignty among the nations. The republic becomes the sovereign nation and acts legitimately as a sovereign among nations, and within the constitution has no more responsibility to its own states than to any foreign state. What is not given for national purposes may not be assumed, but lies still in the authority of the several states for the adjustment and management of their own internal concerns, but what has been given into the hands of the general government for the conservation of public freedom, that it uses and applies in an uncontrolled and independent sovereignty. The entire states stand in one republic, and that becomes a single and independent nation, and has henceforth its own right to be and to act according to the terms of its constitution.

1. *States have the right to form such a republic.* The freedom of the citizens of each state may be seen to be thus best sustained, and thus each state is fulfiling its own duty to its citizens in providing for the public freedom, by the institution of a sovereignty which will more completely effect this than it could in the exercise of its own single authority. Its citizens have the right to the highest practicable measures of public freedom, and it would itself be defeating the end of its own being, if it held on to its own state sovereignty when that end could be best attained in the sovereignty of a constitutional republic. A republic thus stands upon a sound ethical basis, when the public freedom of each state is better conserved by its own defined sovereignty, than it would be if those sovereign powers were still left in the states.

2. *A power of sovereignty lies in the Republic to enforce its constitutional authority against either or all of its states.* The republic does not, like a confederation, stand upon the mere moral force of public sentiment as expressed in the league, but it has sovereign authority to raise armies, collect taxes, and enforce its constitutional laws against any opposition from its own members. If it can control sufficient force, from the well affected portions of it, to subject to its laws any combination from one or many states, it has the righteous authority so to do, and thus to vindicate and defend its own rights of sovereignty.

3. *It must confine the exercise of authority within a strict construction of the constitution.* What the states have given to a republic, they must have fully expressed in the articles which constitute it. The very nature of the work, where many states give up their own sovereignty to constitute a republican sovereignty, determines that there will be clearness and explicitness in stating what is granted, and thus advantage is not to be taken of remote inferences, implications and deductions. What has been granted, it is the right of the general government to use: but that only has been granted which is plainly expressed, or is quite necessary to carry out the express provisions of the constitution. Beyond this the republic has no authority. Any other than a strict construction leads directly to oppression.

4. *Each state must by its own vote adopt the constitution.* No matter how great a share, in the deliberations and conclusions of the body forming the constitution, any

state by its delegation may have had; that imposes no obligation upon the state, until the adoption of the constitution by its own sovereign choice. Its sovereignty can not be rightfully taken from it, and transferred to a republic, but by its own free act.

5. *When the assent is once given, and the sovereign republic constituted, no state has then the right of secession or nullification except by a strict construction of the constitution itself.* A national sovereignty is thus constituted, and the public freedom is entrusted to it, to the extent of the constitutional provision, and a common interest is created which no separate part has a right to disregard. If there is no express article regulating nullification or secession, then is there no right in any to either; for the adoption of the constitution creates the republican sovereignty indefinitely, and its right to exist perpetually and forever, for the public freedom of all, is good and valid against any of its component states. A constitution with, and one without the rights of nullification or secession, are two very different things; and if the right is not plainly expressed, then does it not exist, and those who have adopted it have vested rights under it, which no separate state can amend or disregard. The public freedom, to the extent of the constitutional provision, is henceforth committed to the sovereignty of the republic, as fully and irreversibly as the entire public freedom is in any independent nation, and the crime of treason attaches to all armed resistance to it, as in the rebellion of any part of any nation.

1. *Each state is completely and independently sovereign within its own jurisdiction, in all things not granted in the general constitution.* The different states in a republic do not stand in the same position as the different cities and towns in a state. If these cities and towns have incorporated rights and municipal prerogatives, they hold them from their own state authority, and have in themselves no independent sovereignty. But the separate states were *originally* sovereign, and instead of holding their authority from the republic, they have themselves constituted the republic by putting away their own authority into it.

What is granted to the republic has now become an independent sovereignty, as its own; but what is not granted is still in the hands of each state, and exercised by it at its own pleasure, and upon its own responsibility. No other state has any right to interfere in the internal regulations of another, any more than among independent nations: nor is one state any more responsible for what another does, than in the case of wholly foreign states.

Section VI. *War.* Every sovereign state is responsible for the public freedom of its members, and if this is invaded by the disobedience or rebellion of its citizens, it has the right to execute the penalty of the law disobeyed, and to crush the rebellion of any part by an armed force. The freedom of the whole, and for all generations, is of more consequence than the lives of a part in any generation. The freedom of the state must then be maintained by it, even to the death of opposers if necessary.

But sometimes the freedom of the state may be menaced from without, and the force of the state may be called into requisition against a foreign enemy to its liberty; the action then becomes war, and the morality of it needs to be determined.

1. *War is righteous in defence of the national freedom.* The life of no assailant of a nation's freedom is too sacred to be cloven down in its defence. The state is responsible for the end of its being, as a sovereign, to the full extent of all its resources. Against a foreign enemy, it cannot maintain its rights by law, it can only resist his violence to the public freedom by arms, and such resistance is defensive war. There can be no question of weaker and stronger, for the weaker nation like the weaker man, when driven to fight for life, must resist and defend as it may. It has no alternative but to go down if it must, struggling for its liberties. The guilt is on the offender, the war of defence is as righteous as the penal execution of law.

2. *War is justifiable only as the ultima ratio.* It is an extreme alternative, terrible and horrible at the best, and to be resorted to only in the last extremity. All countervailing measures should be first tried. War will itself, necessarily, more or less abridge the freedom of the state, and such an abridgement of freedom must not be incurred lightly. Commercial restrictions and the application of other uncomfortable regulations, complaint of grievances, protests, and negotiation should all be tried before war, if there is any rational hope of preventing

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3. In all war there must be guilt, *at least with one nation.* Two nations can so live together, and maintain the freedom of their subjects, as not to make it necessary that one should encroach upon the liberties of another. The nation whose action makes it necessary for another nation to defend its freedom, is guilty of an immoral act; and if the other nation stand only on the defensive, the whole guilt is with the former state. Both may have guilt, but of them must have.

4. The necessity for war may all be removed by national treaty and equity. If there were no violation of national rights, and thus encroachment upon national freedom, there would be no occasion for war. Wars are [illegible] from unlawful lusts. Any influences which shall make the nations of the earth regard courtesy and equity, will examine all wars. And so long as moral and religious power among the nations of mankind, the occasions of war will remain. Each nation must guard its own freedom, and unrighteous encroachment must be resisted, and may lead to resistance unto blood. But increase in moral character diminishes the occasions for national contention. Complete civilization, which is the perfection of humanity in intelligence and virtue, will abolish all provocation, and thus all resort to war.

5. Much *might be done in prevention of war, at the present day, by stipulated arbitration.* In the body of some important international treaty, or by a separate

treaty for the specific purpose, nations might mutually stipulate, that in case of disagreements and disputes the matter shall be defered to some friendly arbitration. An umpire may readily be found who shall be impartial, and the prosecution of the claims of each before such a mutually constituted tribunal would in most cases remove the bloody interference of the sword. Even when war has done its desolating work, negotiation must be resorted to for the ends of peace, and if the reference can be made to an arbiter in which each party has confidence beforehand, the horrors of war may be wholly averted. The honor of each nation is preserved, for the previous agreement establishes this mode of settlement; the peculiar principles of each government remain untouched, for unless a war of political propagandism be determined upon, such principles do not engender national conflicts; and even the very use of such arbitration diffuses its civilizing influence over the parties and the umpire. The modern movement towards such an arrangement is eminently hopeful.

Section VII. *Congress of Nations.* Nations stand to each other separate and independent. As in the case of unprotected individual persons, the weaker is liable to be oppressed and injured by the stronger; on this account it has been an enquiry whether there might not be instituted some general council or congress of nations which should stand as an umpire between sovereign states, and hold the balance of sovereign powers with so much wisdom and steadiness as to preserve the peace and liberty of the world. It may be worth the consider-

nation, to show what political ethics would determine about the morality of such an arrangement.

1. *Such a congress of nations could have no force beyond the particular states represented in it.* Whatever were urged as the motive to nations to be represented in the proposed congress, each sovereign state would be at full liberty to accede to such a proposition, or to reject it. As such state is sovereign in itself, and at full liberty to refuse any such representation, so no meeting of any council by any number of the representatives of nations could at all affect the sovereignty of the nation not represented. It would be as much its right to reject all its resolutions, as to reject the offer of a representation there. Nothing done in the congress could have any binding force beyond those states there represented.

2. *Such a congress could not righteously be invested with sovereignty.* Whatever expediency there may be found in the combining of the sovereignty of several small states into one sovereign constitutional republic; it will not be found to conduce to the universal freedom of man, that all the sovereign states of the world should be combined in one universal republic of nations. Such is the limit of human faculties, that a universal administration of a government, which should make it its end to conserve the public freedom of all mankind, would embrace so many and so profound matters of enquiry and execution, that no human political wisdom and skill would be adequate to it. A division into sectional interests, and localities would be necessary; and no hu-

man sovereignty, controlling the whole, would be competent to secure the highest freedom.

But much more from the moral frailty of man would there be an incompetency. The temptations to ambition and lust of power would here be presented on so large a scale, that the danger of universal tyranny would be far greater than the rational hope of universal liberty. A universal republic would probably give less freedom to the race of man, than a distribution of monarchy through all the separate states. Any universal sovereignty, monarchical or republican, would be found incompetent to control all individual choices to the highest freedom of the choices of all. The very end of civil government would therefore righteously preclude the establishment of any universal sovereignty.

But if this congress of nations be desirable at all, it is in the same sense desirable that it embrace all. Whatever benefit it may be hoped to possess can be extended only to those represented in it; but that it may embrace all, it must not be an all-embracing sovereignty, as this would more endanger than protect the freedom of the human race. Such a congress, thus, may not *govern* the nations.

3. *The congress could be only the agent of a confederation.* Acting for the best interests of those sovereign states represented in it, and made their agent for the transaction of any common business regularly entrusted to it, it might serve the purposes of the confederation with no prejudice to their individual sovereignty, and perhaps with much favor to their common freedom.

according to the interest and confidence of the nations represented in it, as an efficient agent for their purpose, and the wisdom and impartiality of its deliberations and resolves would be its success. Different and opposing interests might be adjusted; national alienations and animosities prevented; common interests promoted; war prevented, and thus, in various ways, the freedom of these confederated nations would be subserved. Morality would find nothing in such a measure to condemn in principle, and if in practice it were found to work well, morality would enforce its adoption. It might, without undue assumption, be made an oecumenical political council,

SECOND DIVISION.

DIVINE GOVERNMENT.

CHAPTER I.

GOD'S BEING AND COMMUNION WITH MAN.

We here assume the existence of a personal Deity. The proof for the being and perfections of God belongs to Natural Theology; and though the foregoing portions of our system of Moral Philosophy find their ethical ground and validity independently of the considerations of God's being, and are conclusive in their obligations upon an Atheist, yet if the researches of Natural Theology find an existing personal Deity, our system of Moral Philosophy cannot here terminate. We have to settle the moral questions connected with the communion between such a personal God and the race of mankind.

We take then the valid proofs of Natural Theology, that there is a personal Deity of absolute perfections, and proceed to the investigation of the moral questions thus presented.

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This God made us and all things. He perpetually upholds and supplies all being. We know him imperfectly, but still really and in many things adequately to all the ends of our moral and religious being; and he knows us thoroughly, not only our wants but the thoughts and intents of our hearts. And our *first* enquiry is for *the manner of communion* between God and mankind.

This cannot be the communion of *equals with equals.* The perfections of the Deity raise him above nature, and thus make him to be supernatural not only, but also above all creatures that are themselves rational and personal, and thus make him to be contemplated as completely superhuman. Equality of communion, as between man and his fellows, is impossible. There can be no society in which God and man come together on the ground of common sympathies, wants, rights and obligations. No system of morality, which expounds political rights and duties in view of the ends of public freedom, can meet the case of the communion between the divine and the human. God is not at all comprehended in the state.

Nor is it the communion of *parent and child.* In some respects, an analogy may hold between the parental relation, and that of God to his creatures. But the analogon is in so few points, and in these to so inadequate a degree, that we cannot bring the moral topics embraced in this communion under the Division of Parental Government, to be hereafter considered.

The communion can in no other way be expressed than as the *absolute and the dependent.* God receives nothing

from man, and gives all to man. Whatever God is, he is in himself independent and underived; whatever man is, he derives from God and depends upon him to continue. "In him he lives and moves, and has his being." The philosophical modes, by which the absolute can come into any form of communication with his creatures, are here no topic of consideration; but the communion in any way must still leave the Deity to be conceived as absolute spirit, existing in complete personal perfection within himself—THE I AM THAT I AM; and man, as created finite spirit, having proper personality, but derived, dependent and accountable.

This communion of the absolute and the dependent will also involve the relation of *sovereign and subject.* Inasmuch as there is moral personality in each, there must be a moral communion; and the perfections of the Deity permit him to stand in no other relationship to man, than that of his rightful sovereign. God's attributes and man's faculties involve the ethical behest of authority on the one side, and of subjection on the other. It would be unworthy of God that he should stand to man in any other attitude than that of sovereignty, and unworthy of man that he should come before God, even in the most endeared communion, but as his subject, "with reverence and Godly fear."

Such communion as sovereign and subject introduces a peculiar moral government. There must be some form of legislation and executive administration. But it must in many things differ from all civil polity. Human society is constituted a state, from the interacting individual choices through the community, which bind and

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But we have contemplated Moral Philosophy, not as if teaching any particular duties, but as systematizing the ethical principles which lie at the foundation of all duties. We have not taken at all the province of the casuist, and determined what facts come under the principles, and thus settled particular cases of conscience; we have taken Moral Philosophy as the science of principles only, and thus have been solicitous in attaining a complete system of ethical principles, which all casuists may apply. In this, which is the true field of morality as a science, we have the same occasion for examining the Divine authority that we had for the civil sovereignty. We want to know what is the valid ground of the Divine Government, as truly as that which gives obligation to Civil Government; and in both we would leave the particular facts, which may sometimes be difficult to settle whether they come within the principles, to the casuist, be he either jurist or preacher. We are seeking, not whether such a thing is commanded, but the righteousness by which any commands may be given; and in this point of view morality covers all authority, the Divine as truly as the human. We want the test of a valid religion, as truly as of a valid civil polity; and to know how to determine between a true religious worship and life, and superstitious devotion and practice, as really as between the obedience of patriotism and the servitude of tyranny. Wherein is the Christian religion ethically more valid than Mohammedanism or Paganism? The Moral Philosophy is for the determination of this valid authority; not what are the particular duties enjoined by it.

CHAPTER II.

THE END OF THE DIVINE LEGISLATION.

THE valid ground of God's government, we have already apprehended in his intrinsic perfections. Such a being as God possesses sovereign authority over his creatures in his own absolute right.

But the process of the Divine administration must be directed towards that end, which is to be consummated by it; and thus, based upon the intrinsic validity of the Divine Authority, the equity of God's government in its administration can be determined only in full view of the end at which it aims. We have then, as a first enquiry, preliminary to all examination of the *process* of God's administration of a moral government, to determine the *end* which it behooves God to seek, in all his legislation and administration of a moral government. In the distinct attainment of its specific end, we shall be able to avoid many errors, absurdities, and sometimes very serious sceptical difficulties, that have much troubled others.

1. *We cannot determine the specific end in legislation, as we do God's ultimate end in creation.* We contemplate God in his absolute being, and then the only moving spring to the going forth of creating energy must be found in himself. As infinite excellence, his own intrin-

sic worthiness must have ethically determined what, and in what manner, to create. He should so act in creating as to be worthy of his own accepting, and this must determine all the work of creation.

This will still be *ultimate* end in the consummation of all his works, yet as distinct and *particular* end, his legislation must come in to subserve some excellency, and attain some benefit, in *the created system itself*. It must be to meet some exigency induced by creation, and have a particular reference to the constitution and nature of that which has been created. Not like creation itself, springing at once into being from the inner ethical behest, that so it must be to be worthy of God; but creation having taken place, so it must be governed to meet the specific wants in its own constitution. We cannot stand with only the absolute God in our contemplation, and find the end in his own inherent dignity; but we must stand with the creation itself in our eye, and find the specific end in its wants.

2. *We cannot find its end in any freedom that is thus to be conserved.* We can see that the state may find the end of its sovereignty in public freedom, for it may exhaust all its administrative capacity in applying penalties to the restraint of human choices, for the carrying out its own choice in progressive civilization. It may hold the subject by pains and penalties, and thus work in a sphere of mere legality, and can use these to restrain the outward execution of the individual choices from colliding with the public freedom; but this is all that it can reach. The heart itself is beyond its sway. It may be

used for what it can reach—both civilization and public freedom—but it must find its end in that which it can reach and control.

But God's authority reaches to the conscience and the heart. He has the right to command what choices we may have, and not merely what and how we may execute them: to enjoin religious obligations upon us, and not merely restrain us from meddling with another's religion. His authority goes beyond all purposes of human freedom, and hence we shall not find its end in any conservation of freedom among *creatures*.

But God, *as a Person*, may be conceived to have choices which he puts in execution, and in collision with which his creatures may have choices and carry them out in conflict with his own; may not then his legislation find its end, in guarding *his own* liberty against the encroachment of other acting personalities? Does he not govern for *his own* freedom's sake, against the encroachments of the moral universe? Such a conception is an absurdity, for it supposes legislation between mere personalities. One man, or one sovereignty, may defend himself against the attack of another, but it must be by some coercion other than legislation. The public statement which should be made of rights and grievances, of threats and countervailing reprisals in defence of menaced freedom, would all be manifesto and proclamation, not law and authority. God *legislates* over subjects, not merely *declares* his own rights, and threatens reprisals if his rights are invaded by other personalities.

Again, it may be enquired, may not God, *as a Sovereign*, have rights, and he legislate over his subjects for the conservation of these rights against their encroachment, and thus his government find its end in preserving his own freedom of sovereignty against his subjects? This would be the absurdity of sovereignty for mere sovereignty's sake. Sovereignty is authority acting for the sake of a commonwealth, and has no right nor occasion to be, merely for its own defence. Sovereignty also may defend itself against sovereignty by force, not by legislation; for why assume sovereign authority and take a throne, only to guard itself against its own kingdom! It takes its subjects under its authority, that it may exert itself in their behalf; not that it may waste its energies in conserving that which would not else have been put in jeopardy.

God's sovereignty, therefore, can never find its legitimate end in the mere conservation of *any form* of freedom.

3. *We cannot find its end in any quickening spring which it may give to morality.* In a society grounded on pure morality, the ultimate ethical end of each would be his own highest worthiness, and this attained and preserved in all would be the highest dignity attained in the entire community. But the complete fulfilment of all moral duty by any one person is itself no security that every other person will fulfil his whole duty, and thus no one by his perfect virtue can secure that the morality of the entire community shall be unbroken.

When any immorality thus comes in, the right of the community is invaded and each member is injured. An influence is introduced which disturbs not only the guilty bosom, but the peace of the virtuous. They ought not to be shocked and grieved by being obliged to witness others' immoralities. The sin of one throws its power over all to disturb them, and thus the ethical system must work on unequally and unrighteously; perpetually vexing the virtuous, with no capabilities in its own movement to expel the disturbing vice, and restore the primitive moral integrity.

But, if we now bring in here the *idea* of an ethical Supreme, who shall have in himself, as a personification of the sum of all ethical ends, the rights and dignity of the whole ethical community, and who may be thus authorized to redress this intruding unrighteousness and expel all this viciousness from the society in some form of his own activity, we then conceive of a supreme ethical Ruler, who may help this moral community out of their ethical perplexity. In itself, it was a perpetual reproach and scandal to its own morality, for it must work on eternally in violation of morality itself. The vicious were where they should not be; the virtuous were not undisturbed as they should be; and morality itself was an eternal blot. The relief now afforded in the idea of a supreme Ruler, and the redress thus given, restores morality to its own sphere again, and the virtuous can now see that the working of the moral system is no longer a libel on its own imperatives. The demonstration of the *actual being* of a God does all this for

morality; and introduces at once into an ethical system, everywhere going wrong, a new spring to morality that revives hope, and infuses a quickened energy to virtue.

And now, just in this way, we may suppose the introduction of a Divine government and a ground for its legislation, in such a perpetual spring to morality. Inasmuch as all was an eternal scandal and reproach to morality, by reason of sin, now, by a Divine administration, what was wrong might be redressed, and the virtuous see the right once more prevailing. And it may be admitted, that the Divine government does give confidence to virtue, and add a new spring to morality, which must ever have been wanting if the moral system in its perverted and vicious action had been left to take its own course. But this will not be sufficient to be deemed the end of God's legislation. It is rather a collateral and incidental result, than the specific design of the Divine Government.

Man has higher interests than those of pure morality, and faculties other and nobler than such as capacitate him to know the rights and feel the claims of society upon him; and thus a higher want than that social morality shall be vindicated, and a new spring given to its obligations. It might be *difficult* to show how any application of mere authority could restore confidence to a lapsed moral system; and it would be *impossible* to show that, in any way, this could be an end for God's interposition of sovereignty. A higher want remains, and which can be met only by Divine legislation; and the administration of the Divine government must not find its end in the less, when it can, and it alone can, secure the

greater. If there is a higher need than a newly inspired confidence in the immutable distinctions of social morality, then must the Divine government regard that higher want, and find its end in effectually meeting it.

4. This is found, and thus *the Divine legislation* must have its end *in the capacities of man's religious being.* The capacities of humanity fit man for society, and his moral nature apprehends the imperatives and responsibilities of an ethical system just so soon as he sees himself to be a member of a social community. There needs no positive legislation for this, inasmuch as he is a law to himself, and the precepts written on his heart hold him answerable to all the claims of a pure morality. These are high prerogatives, and give a conscience excusing or accusing, in all the communications of social life.

But man, as a spiritual being, has capacities for higher communings than any which human society offers. As a creature, in his own constitutional being, there is the necessary conviction of helplessness and dependence. He neither originated, nor can he perpetuate, his own being. He finds himself the creature of many wants that from himself there is no capacity to supply. With all his intellectual activity, he still finds himself ignorant in many particulars of the highest practical importance, and which nothing short of a revelation from heaven can remove. He has spiritual susceptibilities to reverence, gratitude and love, above all that any presented human excellence can awaken, and is truly a being fitted for religious worship and service; and he can never rest satisfied until he apprehends a Deity whom he may con-

fidingly praise and adore. There is a deep want, even in the purest created nature, for some revealed source of all excellence and dignity in whom the spirit may trust, and before whom it may bow in homage and religious devotion. The deepest want in the human soul is, a divinely appointed and authorized method of appearing before God, and in confiding love and trust pouring out the whole religious being in adoration, and receiving the pledges of the Divine approbation and favor. Man may have wherewithal to satisfy every other want of his being, but in the absence of this, his soul will be wretched and his spirit desolate.

And now, it is precisely in this interest that the Divine government is instituted. Man's religious being is the source of all the need of God's legislation for him, and the end to which the entire administration of his government over him is directed. In some way the Divine administration must be made to reach and include all that pertains to man's religious communion with God, and direct the entire outgoings of his soul in humble dependence and confiding worship. Man must commune with his God, not as a social or political personality, but wholly in a religious capacity. He wants no legislation from God as a merely ethical or political sovereign, but solely as an adorable Lord and Savior, to be loved and worshipped while his authority is revered and obeyed.

The end of the Divine legislation, thus, is not virtue, nor freedom, but *piety*. It operates not in the line of pure morality, nor of mere legality, but of *complete loyalty*. Piety is the outgoing of man's religious being

to God in sacred communion, devotion and worship. It includes and controls all the susceptibility to divine love, gratitude and reverence. Every feeling and affection which can be awakened in communion with God, and employed in his service, needs its direction according to his will, that it may thus be the highest and purest piety; and to this end all God's legislation and administration will be directed. Man's highest excellency as a religious being will be directly and specifically sought in the Divine government, and the entire administration turned to the one end of fitting him the most perfectly for Heaven, which is God's final home and reward for consummated piety.

That this must so be is proved in the very necessities of the case. It is ethically demanded that it should so be, and nothing else can satisfy morality. Man has such a religious capacity, and God only can legislate for it. The whole must come under responsibility to law, and be subjected to a discipline that is held in positive authority, and which can never be attained in pure morality, nor mere legality, but solely in a government which holds in complete loyalty, and induces obedience from pure love to the sovereign.

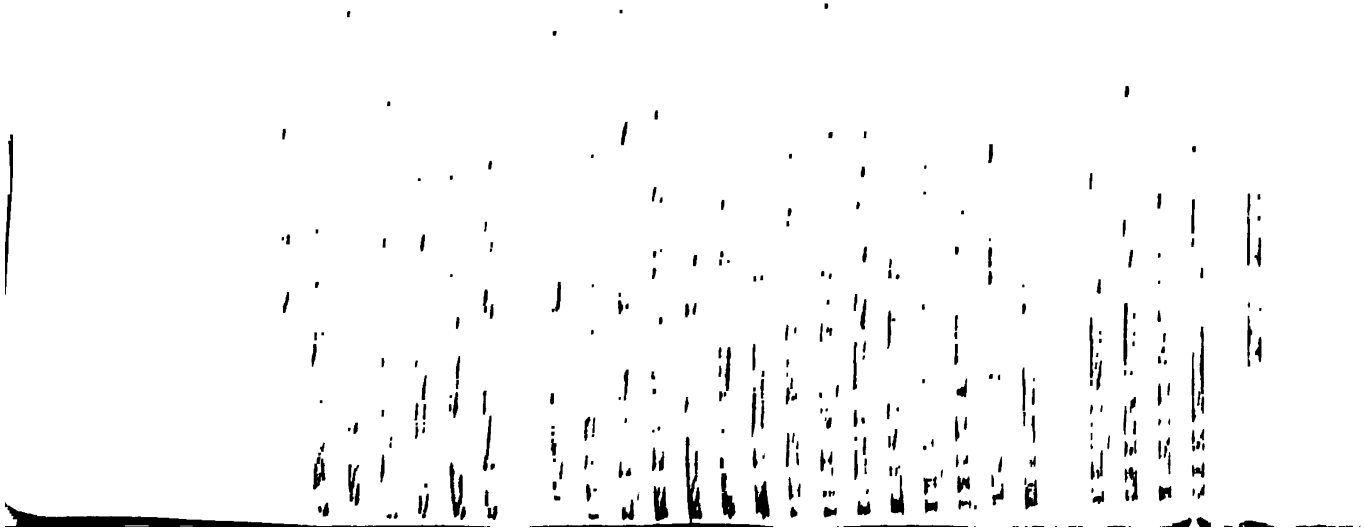
Piety cannot be attained under the discipline of pure morality. This last constrains to obedience only for virtue's sake. It controls man for the end of his highest worthiness, and in view of the claims of his spiritual being it holds in check every colliding animal appetite, and in manly valor beats back and treads down every hostile intruder; but there is nothing here of the religious capa-

city disciplined. Here is no love to sovereignty, and obedience for God's sake; no reverence and confiding dependence; no praise and thanksgiving; no worship and reciprocal communion. All is in the interest of humanity only, and nothing that brings humanity in communion with Divinity. There is virtue, but no piety.

Nor can piety any the more be cultivated in mere legality. Hope and fear may be applied to restrain from the violation of public freedom, and that which is selfish in man may be so trained as to habitually hold back from breaches of the public peace and violations of public freedom; but it is all as an hireling or a slave. He deserves well of his country, and stands right before her tribunals; but he has in this no piety.

The sole constraint in piety is complete loyalty,—the love of the Lord that is served and worshipped. Coaction from any source but love will exclude all genuine piety. Piety may look to the recompense of reward; but no reward will be worth anything in its sight, except solely as the token of its Lord's approbation. There may be the exercise of Godly fear; but it is a fear that is awakened in love, and which dreads more than death, its Lord's displeasure. The whole moving influence in piety is love to God, and all the constraint of law upon it is solely regard for the will of the Sovereign Lawgiver. All piety is gladness and joy; for it obeys out of love to the Master and his service.

Man perishingly needs such a discipline; and no being but God can legislate in such a way as to effect it. It behooves him thus, as sovereign, to take the throne,



CHAPTER III.

HE PROCESS OF THE DIVINE ADMINISTRATION IN JUSTICE.

· is righteously the sovereign over man on the ground .is absolute perfection, and in the interest of man's .est susceptibilities, he will legislate for the end of *y*. Both as the Lord to be worshipped and served, as the searcher of the human heart and knowing t is in man, he alone can adapt his legislation and its :ution to the best attainment of man's religious inte-, and regulate the whole process of his administra-, by what is ethically demanded in his own right and ı's religious wants. By keeping the great end of l's administration in view, we shall be able clearly to ermine many ethical principles, which must be applied the process of the Divine administration.

We here fix attention only upon those principles which nd in a government of equity, and which must control ere no provisions of grace and mercy have been made. will thus give the general principles of an administra-n of strict justice.

1. *Positive Authority must be made especially promi-nt.* Piety is the end of the Divine government, and e most essential element of piety is *faith*. By this is

meant that cordial confidence in God, which induces joyful obedience and worship. It thus "works by love, purifies the heart, and overcomes the world." The cultivation of the strongest faith will be the means for attaining the highest piety.

From the very constitution of man, in his finiteness, he must often through all his experience be obliged to act, where he cannot estimate the general consequences of his conduct, nor see the reasons in the things themselves, why he should do one thing and not another. His ignorance and weakness are the source of his want, and they make it imperative that he should commit himself confidingly to the direction of the will of God, in its admitted wisdom and benevolence. He should cultivate the spirit of unquestioning obedience, in whatever way God discloses his will, and make it to be abundantly sufficient for his faith and practice, that he has a plain Divine declaration of what God would have him to believe and to do.

This is not at all in disparagement of his reason, but from the highest demand of his reason. He must take many things upon trust, both of belief and practice; and it is the highest reason, to trust God's testimony and yield to God's authority. When in the light of his reason, he has found the source of all truth in the Absolute Reason, it is the highest worthiness of man, to trust himself unhesitatingly to the Absolute. God must do and command many things which the finite cannot comprehend, but which in his finiteness he may know can not be unreasonable, since they come from the fountain

of all reason. It is his dignity, and thus his duty, to walk by faith since he cannot walk by sight, and since his faith has its ground in the absolute perfections of God.

In this very point is the essence of piety, as distinguished from morality. Morality clearly sees the ultimate right, in seeing in the spiritual being what is due to his own excellence; and thus the conscience constrains to virtue, in the very light of reason itself. Piety learns the ignorance and emptiness of man, and the wisdom and fullness of God; and thus is constrained to unquestioning submission by a proper distrust of self, and a lively faith in God. Only by this cultivation of an unshaken faith in God, can the human soul be raised to the highest elevation in piety. Piety is, throughout, a most intelligent grace, for it most clearly apprehends its own weakness and God's sufficiency, and thus most reasonably withdraws from self-confidence to trust in God.

The Divine administration should, therefore, perpetually adapt itself to such a want in man. It should cultivate an unwavering confidence in the Divine declaration and character; and thus keep constantly prominent *positive* commandments, which throw the force of simple authority upon man, and enjoin obedience not because reason can see why, but only because such is God's will. That God commands it, is made the only reason that man should obey it. The sole motive is made to be in faith; confidence that God commands nothing which is not reasonable, and yet disclosing nothing in the command itself to show that it is reasonable.

This use of positive authority may find its expression in the unqualified prohibition of the fruit of a particular tree, or the unexplained injunction of the right of circumcision, or the institution of a broad ritual of positive ceremonies: but in many ways, it may beforehand be determined, that God's administration will keep prominent and constant the use of positive commandments, and discipline man to piety by cultivating his simple faith in God's trustworthiness.

2. *God's administration must regard both virtue and freedom, for piety's sake.* Piety cannot be where virtue is discarded; and hence God's legislation will enforce all morality for the ends of piety. Piety cannot consist with the disregard of human rights and public freedom; and hence God's legislation will enforce all social and political duties for the ends of piety. Not as finding its end in morality or legality, but as using both for the end of piety, will God enjoin all ethical duties, and recognize human government as his own ordinance.

Nothing can be more disastrous to the interests of piety, than an attempt to divorce it from social morality and civil allegiance. The first must include the last, and the interests of piety demand a clear apprehension of both conditions. No religious forms can be acceptable to God, as constituting true piety, where the life is vicious, or the individul choices are determinately carried out into execution, regardless of the public freedom. On the other hand, nothing can be more preposterous than to put morality and patriotism in the place of piety. Religion is never to be viewed as if it had its end in

making men virtuous, nor obedient to human law, and thus that God's government was only a means for making human society more moral and more free; but quite the other side foremost. God enjoins obedience to the claims of morality and freedom, that man may be the more pious, and thus the more acceptable servant and worshipper of himself.

Piety consists, in the whole religious portion of our being going out habitually in joyful and intimate communion with God; and this is the highest life of humanity; the deepest want of the soul; the greatest dignity of an immortal but dependent spirit. God's entire government regards this as its great end, and as this cannot be without virtue and political integrity, so God commands them, and punishes the want not only as vicious and criminal, but as sinful — a transgression not only of reason, and of human law, but of God's commandments. In this sense, all immorality, or disobedience to righteous human law, is also impiety. They become as really dishonorable to God, as idolatry and blasphemy. God will thus hold man to perpetual morality, and civil allegiance, for the end of piety.

3. *God's administration should especially guard those susceptibilities which most endanger piety.* The animal appetites, when left to their passionate impulses, not only collide with man's ethical, but more especially with his religious interests. All intemperance, and voluptuousness, and pride, not only blunt the sensibility of the conscience, but they quite as effectually render torpid the whole religious susceptibility. All reverence and confid-

ing dependence are lost in audacity and vain-confidence, whenever the lusts of the senses prevail. A licentious man will necessarily be an irreligious man. A debauchee is ever a religious scoffer.

The Divine administration, therefore, should guard all those appetites, especially, which so readily destroy the delicacy of all religious feeling. God's legislation should control the occupations and pursuits of life; the manners and habits of mankind; the food and the dress, so far as they minister to the inordinate passions of the race. Especially will the marriage relation be held sacred, and all divorce and "putting away" be forbidden, except where conjugal infidelity would itself tend to render impious the virtuous party. Such legislation in God looks not merely to purposes of public morality and of freedom, but far more comprehensively, to the ends of religion and piety. He would hold man back from all intemperance and licentiousness, that he might have pure piety; a sweet trust in God; a joyful communion with him and a spiritual worship.

4. *The divine administration will enforce and regulate divine worship.* Piety must go out in many acts of religious devotion. Private and public worship must be recognized, for piety must commune with God both in secret and openly. Religious instruction must also be secured; for piety would offer an intelligent service. God only can give the necessarily authoritative regulations for such religious services, and secure a consistent and harmonious order of worship. God, therefore, must directly legislate in matters of religion. The time, the

manner, and perhaps the place, for offering to him the public prayers and praises, must be determined by him, at least in so general a manner that man may thereby gain the knowledge of what shall be acceptable in particulars. A religious ritual, more or less extensive, must somewhere be propounded for man, with all the authority of a Divine sanction.

A Sabbath, of perpetual and universal obligation, is itself a want in the human constitution. Not merely as a rest from all secular employment, and thus a relief and necessary relaxation from physical engagements, and thereby salutary for both body and mind; but more especially a demand for the wants of man's spiritual and immortal being; an uninterrupted and undiverted flowing out of the religious susceptibilities, in that very communion which exercises and strengthens the soul for its coming perpetual employment in heaven. The absence of a perpetual Sabbath in God's legislation would seem a strange oversight, in the attainment of the very end for which all his government is administered. A Sabbath must be made for man; his piety cannot else be perfected; his religious wants cannot otherwise be satisfied. It is not that he may worship God in a communion every day alike. He has secular wants to which he must attend, and in ministering to which he must also thankfully and piously acknowledge God; but his religious well-being demands transactions and communications with this God in a special and exclusive manner, when no secular cares shall be allowed to intrude, and no sensual interests disturb. He needs a regularly recurring

day of rest from all that is secular, and an opportunity fully to absorb himself in that which is sacred.

With a Sabbath, there may also be expected the positive institution of all necessary religious ordinances, for man's cultivation in piety. The church should be instituted, as embodying the company of the pious; its officers and ordinances should be officially established, and its general organization settled, to hold on through all time. Man cannot say, in many things, what his piety needs, nor what God will accept at his hands; hence God's own legislation must fix, at least, the general outlines of his visible kingdom and worship.

5. *Divine legislation may affix the sanctions of positive penalties.* Positive penalties might, at first view, appear inconsistent with the end of Divine legislation for piety's sake. Piety is, in its spirit, complete loyalty; it obeys solely from love. How then can it admit of the constraint of positive penalty? Obedience from fear of the penalty cannot be piety. Does not, then, the Divine administration, in its use of threatenings, expect obedience from other motives than love, and consent to be satisfied with something less than complete loyalty?

The following considerations will show that the use of pains and penalties, in the Divine government, is still fully consistent with its end in piety:

First. If it be affirmed that the use of pains and penalties have an end in restraining sinful beings, for the greater freedom of the righteous, and that thus God's administration regards freedom as an end; it would be sufficient to answer, that this cannot be an end,

but, at the most, only an incidental benefit, inasmuch as the Divine government is never satisfied with any obedience from such a motive. Human legislation is obliged to be satisfied with mere legality, and can never carry its constraint further than to control the overt action; but God's legislation is never so satisfied; and if any are restrained by fear, and thus kept from encroaching on the freedom of the good, that benefit never equals the claim of the Divine authority, which always goes further and demands the heart. Even in the benefit of freedom, that is manifestly not an end, but only consequential upon the seeking of the higher end of piety.

Secondly. Penalty is of service to piety, even in its restraints as legality. It would be well for the sinner to be held back from transgression by fear, though the law was not satisfied by any such constrained innocence, that other motives consistent with piety might come in, and induce a perpetuation of conduct conformed to law from complete loyalty. Such constraint of the wicked, from mere fear, would exclude the influence also of their open transgression upon the righteous, and withdraw so much of temptation from man; and thus find an end in the direct interest of piety.

Thirdly. More directly; penalty is necessary for the sake of piety, as an expression of the Divine feeling. Law expresses the feeling of sovereignty in no other manner, adequately, than in its sanctions. The whole emphasis given to the precept is in the retribution appended to it. In this only is the true index of the sovereign will. Here is seen just how much God hates

disobedience, and though the direction of the Divine will is given in the precept, yet is its intensity manifested only in the penalty. In the very penalty, is made the exhibition of God's regard for piety, by his hatred of impiety; and thus an exhibition of the Divine character to the holy, that they may be the more loyal, and love him as their sovereign the more on that account. This is the very end that God seeks in the disclosure of his judgments; not that men should obey through slavish fear, but that they should read therein his hatred to sin, and henceforth serve him because he is a holy God, and demands loyal obedience.

Fourthly. Piety finds its proper motive to obedience in the very sanctions. The reward promised to the pious is valued by them in nothing so much as that it is an evidence of the approbation of the Master they love; and the punishment threatened would be in nothing so fearful, as that it was the index of God's disapprobation and displeasure. To the loyal soul, it is thus more God's displeasure that is dreaded, than hell; more God's approbation that is valued, than heaven. All that is seen in the threatened hell is this Divine wrath; and all that is noticed in the promised heaven is this Divine approbation. Sufficient to the loyal soul is it, that God approves and manifests the tokens of his regard; and to him there is heaven in nothing else. He can bear all sufferings, if God sustain by his approbation; he cares for no happiness, if God is not in it. "His favor is life, and his loving kindness is better than life."

Thus in many ways are the Divine sanctions motives to pious loyalty, and their Divine intention proves that the end of the Divine government is piety.

6. *The promised reward must be equal and coetaneous with the piety.* If there is no specific promise of reward to obedience attached to certain precepts, still is this reward always implied in the converse of the threatened penalty. "In the day thou eatest thereof, thou shalt die," no more fully expresses a threat, than it implies a promise — in the day thou eatest not of it, thou shalt live. To all piety, there is the pledge of the Divine approbation; and this is the very reward which loyalty seeks, no matter how manifested.

This is due to loyalty. It behooves God to show his favor to all pious obedience. When there is piety, then must God approve of it. So long as there is piety, and so much as there is of it, so constant and so great must God show his favor. The pious, from the equity of the Divine character, cannot fail of the full reward for all their loyalty.

But piety cannot extend its claims beyond its own measure, and its own time. It deserves no more than the full approbation of God, manifested at the time in which it is. Should there be annihilation at any moment, to the most pious subject of the Divine government, there would in this be no unrighteousness; for the reward has already cancelled all claim. No measure of piety can by any means, lay claim to immortality; but it is fully rewarded in the simultaneous Divine approbation.

7. *The sin of the subject has other considerations in it, which may not admit of annihilation.* A sin committed becomes a fact in the realm, and brings its necessary influences with it. It is a new causality introduced by the sinner, and perpetually working out its effects. Henceforth the moral universe cannot be, as if that fact of sin had not been. Henceforth, therefore, it is due to the universe, and it behooves God in his own righteousness, to manifest a mark of disapprobation precisely equal to, and perpetually counteractive of, the evil influences of that sinful fact. The fact admits of no annihilation, and the consequences of the fact are themselves undying and perpetual; and no coetaneous displeasure can do that which is due to the universe, in this perpetual evil. That manifested displeasure must go down parallel with the evil influences of that sinful fact, both in the right of the moral universe, and of God; and how shall that displeasure have its manifestation in any annihilation of the sinner? Considerations come in, connected with sin, which may not morally admit that the sinner should ever cease to be, or cease from being an object of the Divine disapprobation. Terrible as is such a consideration, it seems only the terror of strict ethical rectitude. If no provision of grace were made, the Divine administration could have no corrective for sin, except perpetual disapprobation towards the sinner.

8. *Retribution must synchronize with the sin.* We have already seen that the reward must be coetaneous with the piety; and considerations come in with sin, which more especially admit of no delay of punishment.

The penalty expresses God's regard for his law; how much he hates disobedience to it. A time of respite to the sinner is, in its continuance, a time of disregard to law, and a plain contradiction to that feeling which the sanction to the law expresses. All that can ever demand the manifested Divine disapprobation, does this at once upon the conviction of the sin; and if any delay be given, the law has nothing to show why it may not forbear as well its threatened infliction forever. Why, after so long a delay, it might well be said, bring up the punishment now? Such capricious punishment would defeat the whole end of penalty in upholding piety.

9. *An administration of justice can allow no room for pardon.* In civil legislation, there may often come in, from some peculiar circumstances of the criminal, considerations which will make a pardon as conservative of the end of public freedom, as the execution of the punishment; and in such a case, pardon is morally righteous. It does not subvert the end of the law.

But the end of the law, in the Divine government, is piety. This is sustained in the most effective manner, only through the precisely adequate penalty. The perfection of the government secures perfect equity in the law, and in the conviction of the sinner, and thus leaves no righteous room for pardon. Just the righteous threatening has been appended, and just the amount of guilt has been disclosed, and thus the penalty incurred must be executed, or the ground at once falls away on which the law-giver's reward for piety had been righteously placed. The law regards the highest piety as end no

longer, but has consulted some other end in the pardon of the sinner.

With a penalty appended to law by perfect intelligence, and the detection and conviction of guilt by complete omniscience, there remains in full force the ethical claim for full infliction of the penalty. Any remission would, so far, strike down the end of piety, which the law was designed to subserve.

10. *The obedient can bring God under no obligation, beyond the due approbation of their piety.* The whole end of the law is fulfilled in love. It expresses God's love to piety. It is designed to draw out pious obedience, which is the service of love. It cancels all the claims of piety, in the manifestations of God's love toward the pious. If God's government has done all that love to piety demands, both in the legislation and rewarding approbation, it has done all that law and government can do; and now sovereignty can make the challenge to the universe, and say what more could I have done for my kingdom, that I have not done in it.

If any have sinned, they have done so, under all the opposing considerations which God as a sovereign in justice could present. If any righteous have been disturbed by sinners; they have had all the redress and assistance against the injury that they can demand, in the witness of God's penal abhorrence of the sin, and his retributive favor for their piety. Their piety must have the approbation of all the good, as truly as the approbation of their own consciences; and when such is awarded to them, they can ask God, in equity, for nothing more.

The most complete piety has been the servant's excellency, and not for the sovereign's aggrandizement. All the homage rendered to God has been his due, and has added nothing to him which was not his in his own right; and has moreover conduced to the servant's highest well-being in the consummation of his own excellence and dignity. In all this highest service and God's approbation for it, it is his to thank God for the privilege of life and action under such a government, not for God to thank him for having performed his part so well in it. He has done to God only what he ought to have done in equity, and has no claim beyond the approbation already given. God has his claim to perpetual gratitude, that he gave the subject his being and continues it under such an administration; the subject has no claims in equity for his piety, that have not already been cancelled in the Divine favor.

Complete piety is thus perpetually a legal heaven; a full reward of bliss to all its worshippers; the highest heaven to which an angel can ascend; and in that heaven spontaneous praise and gratitude must ever flow on as due to God, and no arresting of the onward stream of thanksgiving can occur, as if sometimes God must reciprocate and the tide of gratitude flow back from him to his pious worshippers. That current of heavenly praise can never set but in one direction, even among the throng of angel and archangel; flowing out from each worshipping spirit perpetually toward the throne, and received and absorbed by Him who sitteth upon it, as his righteous due forever and ever.

With these leading principles, which must ever determine the process of an administration of God's government in justice, we have sufficient for our direction, in their application to any assumed system of religion, to decide what is of God, and what is some profane invention or spurious addition from man. The *particular duties* of a religion, which should be inculcated in an administration of pure justice, must be made out from the commandments given, and which are no part of a system of moral science; but the principles by which we must determine the divinity of such a religion are above made sufficiently plain.

CHAPTER IV.

THE PROCESS OF THE DIVINE ADMINISTRATION IN GRACE.

LET it be remarked here in general, that ethical science is purely a *system of ends*. Pure Morality has its ultimate end in the excellency of man's rational spirit, and constrains in duty for the sake of highest worthiness alone. But in other directions, other ends may be perceived which it may be important to attain, but which may never be pursued in conflict with the ultimate end of morality. The determination how such ends may be attained in consistency with morality, brings them all within the province of Ethical Philosophy.

Freedom is another end than morality, but freedom may not be sustained at the expense of virtue. State authority, legislating for freedom's sake, must conform to pure morality; and the determination how this may be so effected, brings the whole science of jurisprudence as a system of ends in freedom, also within the province of Moral Philosophy.

And so also is piety another end than morality, yet must not piety be promoted in any conflict with virtue. The Divine authority in the end of piety must accord with pure morality, and the determination how this may

he brings religion as truly as jurisprudence within the province of Moral Philosophy.

And this holds true not only in the Divine administration of justice, but equally so in God's administration of grace. This contemplates man as condemned by the law of justice, and helpless of all restoration to piety and favor by the mere action of law, and seeks out a way of restoration and pardon for the sinner, and thus keeps fully in view the end of piety. But these provisions of grace may in no way contravene morality, and the determination how grace may prevail in consistency with all the claims of equity, brings the Christian scheme of Redemption, still in the end of piety, within the province of Moral Philosophy.

All systems of ends must harmonize with morality, and thus all come within Moral Science.

We now take up the Divine Administration in Grace, and seek to determine how it must proceed in order to a complete conformity with pure morality; and in order to apprehend the difficulty, and notwithstanding which, the practicability, also, of such determined accordance, we shall need here to recapitulate and bring under one view our past conclusions.

We have already seen how authority stands in complete conformity with morality. Sovereignty must have a righteous foundation in its inherent qualifications for governing, and must then go out within the lines of its own righteous jurisdiction, and in this view authority itself will bind the conscience. The man will degrade his rationality, and act unworthy of himself as a spiritual

being, if he violate the mandates of righteous authority. But authority is not needed simply in pure morality. That is obedience for virtue's sake alone. The sole constraint is highest spiritual worthiness, and neither reward nor penalty can come in as any coercion in the fulfilment of moral duty. Other ends than morality are, however, found important. Man must live in society, and society, through its interacting choices, becomes an organic community known as a state, and the choices of each must be constrained in harmony with the highest freedom of choice in the whole, and hence the public freedom becomes an important end to be attained, and which can only be subserved by authority. If the selfish will not be restrained by purely moral considerations, then it is perfectly in conformity with pure morality that the state should restrain them, for its freedom's sake, by pains and penalties. Obedience from mere legality does not make the citizen virtuous, it only answers the end of freedom and preserves in political innocence. For freedom's sake, authority may righteously act, and constrain by pains and penalties.

So, again, man is dependent and helpless. In his very constitution he finds the need for an absolute ground of trust and confidence—an all-perfect Being whom he may revere and adore. No conformity to all the claims of pure morality, as found in the imperatives which a knowledge of his rational being awakens, can satisfy these higher wants of his religious being. When the being of this absolute God is recognized, there is apprehended at once, in his perfections, a valid ground for righteous

sovereignty, and a need that his authority direct just how these religious susceptibilities of man's being should go out in pious service and homage. The sanctions to his commandments indicate his regard for piety and his abhorrence of impiety, and these are designed to induce obedience from the cordial approbation and love of just such a being. Such constraint from complete loyalty is alone piety. Not as a hireling or a slave, but solely with a loyal, trusting, loving heart, does any obedience satisfy the Divine law. Legality may subserve public freedom, but not piety; complete loyalty only can stand in God's sight. This makes more than the highest worthiness of the man, viewed in the fulfilment of all the claims of his rational spirit alone; even the fulfilment of all the claims of his religious being, in obedience to an absolute sovereign from love. Inasmuch as man now knows himself to be more than ethical, even a religious being, so his very morality demands of him that he should fulfil the claims of that higher nature and obey God from love to him. A Divine government may thus righteously use authority for the end of highest piety.

But the next step brings with it great difficulty of explication. The administration of justice is precisely adapted, in the Divine government, to every claim of pure morality. The law and its sanctions are exactly adapted to reveal the character of God, and throw the strongest influence upon man to induce obedience and worship from pure loyalty, and thus in the highest degree promote piety. But this administration has failed to secure universal piety. Multitudes are not loyal, but

rebellious. The best government, that could be administered in the end of piety, has proved inefficient; and now, can any new provision be made consistent with pure morality? Should not this administration of justice go on, blessing all the pious that it may, and punishing all the impious that it must? So, I suppose, all finite intelligence must have affirmed.

The strongest objections to the Christian plan of redemption apply just at this point. Among others less profound is the weighty difficulty felt by Kant, in viewing Christianity as having a common end with morality. If Christianity be judged in reference to the sole end of pure morality, then is the difficulty insuperable. For no motive may be allowed except the pure love of virtue, and any introduction of substitution and atonement is immoral. The kindness of benevolent sacrifice may demand gratitude and love from the beneficiaries, but this cannot be accepted for the pure love of virtue. No pure love of virtue in the substitute can stand for others, nor be vicarious for theirs, for pure morality demands personal virtue. An acceptance of any thing else is the subversion of immutable right, and could only reflect at once immorality and unrighteousness upon any government that should tolerate it.

An ingenious philosophical explanation is then attempted by Kant, by which God may ethically accept one who has sinned, and who must ever be imperfect, but it admits of no substitution. An Ideal of perfect humanity, he supposes, may induce to the adoption of sentiments leading to our imitation of it, and these sentiments as

permanently active, though only inducing a perpetual process toward perfection without the finite ever being able to complete it, may be accepted as comprehending in them the principle of perfection. This adoption of the Ideal is the man's faith in the Son of God.

But permanent perpetual progress in good does away no past guilt; no supererogation can do it; no other person may do it. It is a debt of sin and obligation to punishment, and the sinner only can undergo it. No innocent being, how magnanimous soever, can bear it for the guilty. The adoption of the new sentiment is a self-crucifixion of the old man, and this perpetuated, in the perpetual willingness of the new man that there should be such self-crucifixion, is a perpetual sacrifice that gives the ground of hope for complete justification. This is Kant's Gospel according to pure ethics.

But such a spurious Christian theory, as necessary to explain away the intrinsic immorality of the Scripture atonement from the point of view taken, finds no occasion from the true point of view, viz.: that the end of God's government is piety, not morality. Benevolent suffering may promote love, and even kindle it anew, if lost; and thus secure obedience through complete loyalty. This, not pure morality, is the end of God's government, and readily admits of Christian substitution. But this gracious administration owes still to morality the securing of two distinct results. One is, the restoration to loyalty of so many of the lost as shall compensate for the provision made; the other, the confirmation of the Divine authority in the pious regard of all the obedient, at least

as effectually in the grace of redemption as could have been done in the justice of penal execution. All through the Divine administration, either in justice or grace, the grand end is the highest piety in consistency with righteousness: and thus the authority of sovereignty must be sustained on the one hand, and in such a manner as shall most strongly constrain to piety consistently with morality on the other. In the gracious administration, the authority of the old administration must still stand, though given up as the way of securing piety; and higher influences to love and loyal obedience must be brought in, securing the return to allegiance of many who would otherwise have remained incorrigible in their rebellion. Without each of these, the end of piety and the claim of morality cannot be sustained. We have thus to determine the process of a gracious administration, with these two results in view:

How Divine authority may be sustained?

How stronger motives to loyalty may be introduced?

CHAPTER V.

THE PROCESS IN THE DIVINE ADMINISTRATION OF GRACE FOR SUSTAINING AUTHORITY.

THE administration of justice failing in its end by the sin of the subjects, and a new administration of grace introduced with provisions for recovering the sinner to piety and the Divine favor, it is yet necessary that the authority which instituted and administered the old government of justice should still be respected and revered. That was a righteous government, conformed in all its parts to every moral claim, and thus worthy of everlasting approbation. The same sovereign still reigns over the same subjects, and only changes his administration, as in the changed circumstances by sin he must, in order to attain the unchanged end of piety; and thus both for the conviction of righteous condemnation, and also for the sustaining the righteous claims to repentance and confession of the sin committed, the authority of the old form of government must, in all its claims, be fully sustained as having been wholly righteous and valid. Some of the principles which must be recognized in the process of the administration of grace, for effecting this vindication of authority, will here be given, and which must so

far determine, on ethical grounds, how the new administration must be executed.

1. *The principle of positive authority must be perpetuated.* The very end of piety demanded under the old administration, that laws should be given in which no reason could be seen from the nature of the case, but which rested their whole constraint for obedience upon God's authority alone. Nothing could so effectually cultivate confidence and dependence upon God, and love to his supremacy, as the throwing of the subject upon the sole sentiment of loyalty, and demanding prompt obedience where no other reason was given than that, "thus saith the Lord." But under the new administration, there is even a stronger claim for this from the same source. Especially as a sinner, does the man's whole interest in a religious experience turn upon his confidence in his sovereign, and demand such influences as shall best inspire with faith and love. Precepts, resting upon God's authority solely, must still be given.

But more particularly is this required, in order that the gracious administration may in no manner weaken the authority of that in justice. There is an ethical claim, in which it behooves God for his own consistency of character, not in his grace by any means to seem to discard his authority in justice. If the gracious administration have no precepts resting solely on authority, against which the sin and rebellion of the subject in the former administration was directed, it would necessarily be deemed a relinquishment of the whole principle of positive authority, and stand out as a fair implication,

... and ... administration that God had grown wise by experience, and now saw the inexpediency of introducing again the principle which had been the occasion of so much disorder in the former method of legislation. No such supposition may at all be tolerated, and hence the gracious legislation will also include the principle of positive authority. The end of piety, consistency with morality, and especially the vindication of Divine authority must in all administrations, all demand it.

2. *The penalty of law must not be remitted except on some ground of equivalent substitution.* The design of the gracious administration is to restore the sinner to piety and the Divine favor. In some way, therefore, it must contemplate the remission of penalty. The infliction of penalty is, essentially, the manifestation of Divine displeasure. The very element, which gives to penal evil its sting, is that it carries to the conscience the impression of God's abhorrence and displeasure. Penalty, then, must in some way be removed, or the Divine favor cannot be restored, since restoration to favor would be the annihilation of that very element which made the evil to be penal.

As penalty itself cannot be endured, and grace prevail; and as penalty cannot be discarded, and leave the Divine authority without any sanction, some other sanction must some how take its place. The sinner is to be freed from penalty: no other being can bear it for him, inasmuch as the very essence of penalty is Divine displeasure against the sinner punished, and no suffering by another than the sinner can have this ingredient

of Divine displeasure; therefore something not punishment, but which other than it is yet to take the place of it some substitute for it is yet to be provided.

And this substitute for penalty must be fully equivalent for it, and sustain all the ends which it was designed to subserve as well as the full penalty inflicted would do. The penalty was meant to be an adequate expression of the sovereign's will, manifesting how much he was pleased with piety and displeased with impiety; and unless he designs to retract that manifestation of his will, and discard the equity and validity of the authority which has gone out in his legislation, he must put something of at least equal efficacy for that end in its place, and for the sake of which the penalty may be remitted. Anything not a full equivalent would so far impeach the sovereign's consistency, as manifesting formerly too much regard to authority, or now too little, and which would itself be fatal to all authority as convicting it of immorality.

3. *The estimate of this vicarious equivalent must be made simply in reference to the end of piety.* The Divine administration is not in the end of morality, nor of freedom, but solely of piety. We are not at all to look here for that which will subserve the ends of morality or of civil polity, but solely the interests of religion in securing piety. If we were to seek for any substitution in pure morality, we should be at once stopped in its inconsistency. The constraint in morality is the pure love of virtue, in the worthiness of character which obedience secures; and the alternative to this is that which alone

own in the place of God's revealed substitute for the penalty, must really aggravate his condemnation, and augment the executed penalty.

All penances, ritual observances, self-righteous impositions and substitutions of any kind for the one grand substitute of God's providing, must be not only vain but truly heaven-provoking. We must see in that substitute God's own expression of feeling, or we get no sanction to his law, nor support for his authority, and of course nothing which ought to stand instead of the literally executed penalty.

5. *Some manifestation of the Divine displeasure must be made against sin, while the probation in grace is progressing.* The old penalty is forborne, and patience spares the condemned sinner. A new trial on the footing of grace has commenced, and if this trial eventuate in reformation and return to pious loyalty, the old penalty is to be wholly abrogated, and the reformed sinner received into everlasting favor.

But while this delay lasts to give space for a new trial, and holds back the stroke of the old penalty, it is due to God's authority, and demanded in the end of piety, that God keep up some manifested displeasure against the offence which has subverted the end of the old administration. It will not be the execution of the old penalty, for that is held in abeyance; but it will be some form of suffering, in a curse which will mark his displeasure against the sin, and at the same time conform to the ends of recovery in the gracious administration. It will

serve as a discipline, and not stand out as a vindictive retribution.

This may come as some curse upon the ground, or upon man himself in his sentient being, which shall last through all the generations of the spared race, and under which the creation shall groan and travail in pain from the beginning of sin onwards. The displeasure of God, and his abhorrence of the old iniquity, may terribly admonish the subjects of grace, through their whole life of suffering and bereavement and sickness and final death of the body; yet it will not be in the penal infliction of judgment without mercy, but a severe discipline in mercy, so that all may remember the great fact, that God terribly abhors sin even while he makes provision to pardon it, and waits for his spared subjects to turn from it. He chastises as a father; he admonishes as a teacher; but he does not yet punish as a sovereign judge and executioner. He waits to be gracious, though his waiting is amid all the severe but salutary discipline which is designed to bring back to piety.

In all the above principles, the new administration will keep the vindication of the Divine authority out permanently before mankind, for the end of highest piety.

CHAPTER VI.

THE PROCESS OF A GRACIOUS ADMINISTRATION BY WHICH SINNERS ENLISTED IN LOYALTY ARE GIVEN.

THE old administration of justice failed of its end in securing piety, and the new administration is introduced for the end of securing subjects to piety. There is no reason in the change of administration from justice to grace, if the latter cannot secure the sinner's return to loyalty. But surely all such results may well be deemed hopeless, if in the new administration there be not provision made for higher motives and stronger influences to love and obedience, than the old administration exhibited and exerted. That failed to secure perpetuated piety, though beginning in loyalty; the same measure of influence cannot, therefore, be deemed adequate to secure and restore piety, in subjects already rebellious.

There is, then, an ethical claim, if a gracious administration be introduced, that it shall provide stronger influences to piety than the old administration presented. That gave as strong an exhibition of the sovereign's regard to piety as justice could secure, but the failure of that may give occasion for presenting new and higher

motives than could at first have been possible. Such occasions for subsequent higher gracious influences foreseen, justified the introduction of the first form of administration, though it was well known to Omniscience that its introduction would be followed by the failure of its own direct end. But now in the introduction of the gracious legislation, the wisdom and consistency of the sovereign can be vindicated in no other manner, than by introducing means of greater influence. The form of government ought not to change, if the interests of piety can gain nothing.

We need, thus, to determine how the end of Divine legislation in piety may be reached, through a more efficacious process than any administration of justice could supply. The form of justice must first be taken, afterwards grace may come in, and be more effective in the application of the following higher motives.

1. *The benevolence manifested in the substitution itself.* In the administration of justice every command and sanction was in full conformity with morality, and thus all its motives to piety fairly appealed to the conscience of the subject. Every sinner, therefore, knows his desert of punishment, and that its infliction would be righteous. But if just at the point when the arm is uplifted to strike the terrible blow so consciously deserved, the sovereign at his own expense effects a way for deliverence and arrests the descending stroke of the executioner, nothing can appeal more forcibly to the sinner to repent and return to loyalty, than this melting kindness in the breast of offended sovereignty. The stern-

ness of authority changes to compassion, and the vengeance of sovereignty relapses into the most benevolent regard, before the eyes of the rebels themselves. They see presented, a plan which fully sustains his own authority and majesty, and which also includes the reformation, pardon and restoration of the guilty; and in this benevolence there is altogether a stronger influence to melt and reclaim the guilty, than in all the terrible preparation for the full execution of the legal penalty.

Here is the yearning heart of kindness; the tenderness of a father; and it works more powerfully upon the obdurate heart and the stubborn will of the rebel, to melt in love and recover to loyalty, than all the frowns and vindictive penal retributions of offended sovereignty.

2. *The influence of patience.* In a government of justice there is no place for patience. This is delay of infliction, when the penalty has been incurred; and such delay is injustice, unless some substitute for penalty be presented. On the ground of an adequate substitution, patience may endure even to long-suffering. And such delay of penal infliction not merely gives time for reflection, and the working of conviction and self-condemnation in the experience of the sinner, but it is itself a strong motive to break off from a course of sin, which has already exhausted so much of the Divine forbearance. The reflection, that Divine long-suffering has been so much abused, is a motive of growing intensity to abuse no longer, but to confess and return and seek reconciliation.

A wicked heart may use the occasion of patience to sin the more determinedly, and "because sentence against an evil work is not executed speedily, therefore, it may be the more fully set to do evil." But this is a gross perversion and resistance of its natural influence. The proper tendency is to shame for the long abuse, and a discontinuance of it; and this must be resisted by a more desperate stubbornness of will, in order to be overborne and discarded. "The goodness of God leadeth to repentance," and especially goodness in the form of patient delay of deserved punishment; and that heart must be desperately wicked, which takes advantage of the very kindness that spares, to sin the more determinedly against it.

3. *The influence of offered pardon.* A conviction of utter hopelessness in sin induces sullen despair or malignant recklessness. A state of mind is induced which will not admit of the salutary reflection of ill-desert and well-merited retribution. The agony of present punishment, and the fearful looking for of more fiery indignation, drives off all the preliminary conditions of reformation, and shuts out the considerations which might lead to a return of piety and loyal subjection. Hopelessness in sin paralyzes all effort to escape from it.

But an administration of grace at once throws the light of hope upon the sinner's condition. The way is open to return to loyalty, and receive an entire amnesty for the past and perpetual favor for the future. Such an offer of pardon, seen to be both consistent and sincere, is an affecting motive to come in confession, to ask for it,

and gladly take it from the gracious sovereign. Self-moved, God prepares the way for it, and makes the proposal. Instead of vindicating his authority by judgment, he provides pardon in his mercy. Misery may now be avoided, and bliss secured; the wrath of justice may be averted, and the favor of grace gained; the pangs of conscience in its guilt may be relieved, and the peace of self-approbation acquired; and such considerations must tend back to piety and allegiance, more strongly than any motives which justice and judgment may offer. What the law could not do, because in its condemnation it works "concupiscence" and "death," the grace in the Gospel of the new administration may affect, through its forgiving spirit. Hope takes away the sullenness of desperation.

4. *The inspiring appeal to personal worthiness and dignity.* The fact of man's conscious guilt does not destroy his consciousness of rational faculty and religious endowment, nor does it diminish the conviction, that his true dignity can be attained only in the way of piety and obedience to God. The most hardened rebel against the throne of heaven knows that his suppression of all reverence and homage, and his withdrawment of all trust and dependence, is really his degradation and his shame. His ingratitude and contempt debases him. He well knows that nothing can take from him this debasement and shame, but returning allegiance, confidence and love.

Confession of sin, contrition of heart before God, deep humility manifested in all ways of suitable expression, are becoming to the sinner; and it is a very false sense

of human dignity, and really nothing but the most contemptible self-conceit, to stand out in sullen pride before the majesty of an offended sovereign. Humility before God is man's honor; prostrate adoration is the subject's dignity and glory, in the light of eternal truth. Even angels are never more exalted than when "covering their faces with their wings," they cry before the Divine presence, "holy, holy, holy, Lord God Almighty."

The new administration provides for such return to allegiance and homage, and gives occasion for God to confirm the manliness and dignity of such restored loyalty, in his open approbation and acceptance of it; and surely such an influence must be highly arousing and inspiriting. It stimulates to renewed struggles against all that debases man, more than the application of legal severity can ever effect. Man was made to confide and worship, to serve and adore; and if in his impiety he has "cast off the fear of God and restrained prayer before him," it is his shame; and he can never recover his lost worthiness till he comes back in confession and contrition, and owns again his obligations of obedience. God's gracious interposition invites to such return, and appeals to all such sentiments of true dignity and honor, and works more strongly to reclaim to this manly dignity through all that is ingenuous and ennobling, than any penal terrors can be made to effect.

5. *The augmented manifestation of the Divine regard for piety.* The sanction was designed as an adequate and exact expression of God's regard to law, and the end of piety it had in view. It said, as plainly as law could

penalty; and this not merely before those subjects who have remained loyal, but before and directly in behalf of the guilty themselves. He really "magnifies" his law, in augmenting the expression of his regard for piety more than the penalty threatened or inflicted could; and his in the most melting and effective method possible, by his own sacrifice for the sinner's redemption. God thus commends his love to the lost, and in this gives the highest possible influence for loyalty. "Herein is love, not that we first loved God, but that he first loved us."

And this influence is made to reach over the whole Divine government, in its augmented force towards universal loyalty. The already loyal see here the feelings of the sovereign towards piety, with a strength and tenderness, that no penal infliction could ever manifest; and the guilty themselves have the most affecting appeal possible, to cease at once from all rebellion to so much love, and become the loyal worshippers and servants of their rightful Lord again. And thence onward, when restored to piety and favor, the influence of this sacrifice in their redemption lasts, and stimulates their obedience in love and their songs of praise for eternity. The feelings of God, shining through all the scene of prepared and accepted substitution, act on the universe of moral beings in favor of pious loyalty, as no legal exhibitions of the Divine justice could ever equal.

6. *New institutions of ritual observances.* For the cultivation of piety, it behooves the Divine lawgiver, by positive enactments, to institute religious ordinances and ritual observances, by which the method of approach to

God shall be regulated, and the general order of Divine worship promoted. This would be ethically required under an administration in justice, and still more especially under an administration of grace. As a sinner, man will be less able to order his manner of approach to the Deity acceptably, without Divine direction than when holy. Many things might seem to discourage and perhaps forbid approach to God by the sinner, did not God himself invite to it and direct in the manner that he would accept it.

A system of legislation in grace must thus continue positive regulations in many things, and direct in reference to the times and the order of worship, and also establish positive institutions, bearing upon the general culture of piety and the religious instruction and discipline of its subjects. The manner of the sinner's approach to God, must necessarily differ from that which was permitted to him in his holiness, and all ritual observances must be modified from the nature of the substitution which is made vicarious for penalty, and new regulations from God must determine all these modifications.

They may be anticipated as of two varieties; such as are designed to prepare the fallen race to apprehend and receive the new administration in its clearness and completeness, and such as are adapted to build them up on the foundation of the substitution when actually laid and clearly apprehended. The first will be typical and symbolical, teaching through shadows which foretoken the coming substance; and these will be multiplied, particular and precise, according to the darkness of the human

ind and its incapacity to directly apprehend spiritual alities. The second will be more direct, simple and iritual, teaching the very nature and principles of the w dispensation, and corresponding openly to the plain ctrines and duties of the Gospel system. One will be mporary, and only as a schoolmaster to teach what is ming; the other will last to the consummation, and be lapted to the open vision of the things in the new covemt, with all its promises and duties.

And now all these ordinances of grace will have a gher meaning, and a stronger influence for piety, than y of the institutions of the old administration of jus-e. All the ritual observances will embody those affectg manifestations of love and mercy which are conined in the plan of substitution, and will thus hold conantly forth to view the deeper regard for piety exessed in the sacrifice the sovereign makes, and thus e stronger motive to bring the rebel back to loyalty. ome, as the Sabbath, may belong to both dispensations; at in that of grace it will be made to have a higher imort, and speak of sacrifice and substitution, and not erely of creation and providential supervision. Others, ill be wholly new; organizing the body of reclaimed elievers and worshippers, bringing them into visible mmunion and fellowship, and giving to them all, "one ord, one faith, and one baptism." In all ways, the ew ordinances will throw upon the heart a tenderer inuence to soften, and sweeter to win the sinner again to uty; and all conspire to hold the reclaimed in perpetual oyalty, beyond what all the force of law and justice

CHAPTER VII.

GRAND MISTAKE IN THE INTRODUCTION OF AN ADMINISTRATION OF GRACE.

Some necessary conclusions, resulting from the provisions in an administration of grace, stand out as permanent ethical principles, and which should be here concisely stated.

1. *The principles of grace do not subvert those of justice.* Legislation must commence with positive institutions, and ordinances for piety on the ground of justice. Grace can only come in, when justice has failed in securing perpetual loyalty. The higher influences can only be introduced, when the sanctions of law have been pronounced, the precept violated, and the penalty incurred.

But morality forbids that the substitution for penalty, and the provisions for reclaiming to loyalty, should subvert equity and justice. No means for reclaiming to piety may conflict with immutable morality and right-eousness. With these claims of morality the administration of justice fully accorded, and thus no gracious provisions can subvert the old administration. Its principles are forever ethically sound and valid, and its subversion is an ethical impossibility. The Divine government may

change its process from justice to grace, but may never deny its valid authority in either. The sovereign may change his throne and scepter, but in taking the throne and scepter of grace, he does not demolish, but only for the occasion leaves unoccupied, those of justice. The old administration is not subverted, the new is only on occasion substituted for it. All antinomian conclusions are wholly precluded, by the true apprehension of the equivalent substitution in grace.

2. *The incorrigible sinner, under grace, is left to a "sorer punishment."* The penalty in justice has been held back in the provisions of grace, that there might be an opportunity for a new trial and discipline in the end of piety. The whole reason and aim of the new administration is recovery to loyalty, and confirming all who are loyal. At no time has it released any subject from the obligations of perpetual allegiance, or withdrawn ultimately the old penalty, if a return to allegiance is not gained.

If then, in any case, this provision of mercy through an equivalent substitution fail to reclaim, the whole provision is made useless; the substitute wholly discarded; and the subject continues, by his own stubbornness, still under the old penalty. The new provision profits nothing to him, without a return to piety. But this old penalty does not now stand incurred as when the sin was solely against law. There is the superadded guilt of mercy rejected, grace despised, God's sacrifice reproached and dishonored. The impiety is far more daring and obstinate, than that which slights God's will as expressed

only in his law. The condemnation must in the same way be aggravated. The impiety is greatly augmented, and thus, ethically, the ultimate punishment is proportionally enhanced.

3. *The one plan of gracious substitution must preclude all further gracious interposition.* We have seen that there may be equivalent substitution for penalty, but we now show that there can be no new substitution for the rejected vicarious substitute. An adequate substitution for penalty involves principles, which must make that one exclusive and ultimate. Penalty for piety's sake, may not be transmuted for something which may itself have its substitute. In the one sacrifice of God rejected, there "remaineth no more sacrifice for sin;" for such tampering with both justice and grace would take away all veneration for either, and render all reclaiming of the sinner, and confirming of the righteous, the more hopeless. Mercy would become a weakness, and grace capricious, and the plan to reclaim would defeat its own end by destroying all its influence for piety, and directly encouraging delay and perseverance in transgression.

One plan of substitution, both on the ground of the nature of the sacrifice and of the influence upon piety, must exhaust the gracious provisions of sovereignty, and exclude all further overtures of reconciliation. An ethical barrier would lie against more than one equivalent substitution for legal penalty, inasmuch as both justice and grace would be thus degraded.

4. *It must secure the permanent piety of the reclaimed.* Mercy should not rejoice against judgment, only to have judgment again triumph over mercy. If God had not foreseen the results which might be secured by such gracious interposition, there would have been no wisdom in bringing in the gracious administration. If it did not secure that many should become again loyal, it would have behooved him not to have introduced it. The end of piety would not thus have been promoted, but hindered.

And if the perpetuation of such reformed sinners in their loyalty were not secured, and their voluntary service of God henceforth a certainty to God, the same ethical regard to his own excellency must have prevented the entering on an expedient for piety's sake, which it was foreseen would only at last mock the mercy that had adopted it.

Such are the leading *Principles* of all Divine legislation; the specific *Duties*, which might be determined from them, are better found in the revealed commandments divinely proclaimed.

THIRD DIVISION.

PARENTAL GOVERNMENT.

CHAPTER I.

THE FAMILY.

UNDER the head of Authority is put last Family Government, because it combines in itself both the legality and loyalty which are distributively in civil and divine legislation, and is on that account better examined after attending to them, though its end is preliminary and preparatory to them both.

By *the Family* is meant those habitually resident in the same dwelling; including parents, children and servants. It is the most important institution in the social being of any community. It is in many respects the foundation of the state, and the source of that nurture and discipline which is to prepare for the duties of this life and the retributions of eternity.

The Family is itself a distinct organic community having within itself its own separate rights, wants and inte-

rests; its own authority, polity and duties; and society is not so much an aggregation of individuals, as a composition of many distinct families of blended sympathies and dependencies. The parents, as the social head of the family, have the right of authority, and the children and servants are in their respective stations the subjects of this domestic polity.

The parental right to authority is not constituted in the simple fact of the parental relation, but in the qualifications from maturity of wisdom, natural affection, dignity and honor, which is relatively in the parent, and which best secure the attainment of the ends of family government. If the parent be quite intellectually imbecile, or very morally depraved, the government of the household should come under a different guardianship. But ordinarily the characteristics of the parental relation indicate the possession of those attributes, which will best attain the ends of domestic authority.

The end of parental authority is two-fold, and designed to fit the subjects of it for the two respective governments under which it ultimately issues them—the *Civil* and the *Divine* legislation. The parent stands to the child, in an important respect, both as the state and as God. The magistrate and the Deity both govern the child through the parent, in early years especially almost wholly so; and the parent is directly responsible both to the state and to God for the administration of the entire domestic polity, as it bears ultimately upon these two sovereignties under which the family subjects are soon to be introduced. The fulfilment of the duties, in the end

of one, will not compensate for any neglect, in those which relate to the end of the other. The nurture which trains for God will, it is true, also prepare for the state, inasmuch as a loyal subject of God's government will necessarily be a good citizen, but God will excuse no parent, who has trained his child to legal obedience, if he has not also taught him loyally to obey God from love.

There may be mentioned another end of family government, in *the peace of the family itself*, while the members of it continue their residence together. This will really be of precisely the same nature as the end of civil government. The family is, in this view, a little state; and the individual choices of its members must be controlled by a regard to the righteous choice of the whole, or, which is the same thing, the family freedom. The parent is bound to see that one member does not, in the execution of his choices, encroach upon the rights, and thus upon the freedom of another; and must exercise his sovereignty, to preserve the freedom of all from the encroachment of any. This regard to the end of the family freedom will be fulfilled in mere legality. If the child keeps the family peace, merely from fear, this will be all that the family, as such, can demand; and thus the securing of this comes wholly within the same culture, that the preparation of the coming responsibility to the state demands — viz.: mere legality. But the consideration, that the child is also to be trained for God, will oblige the parent to feel, that though obedience from fear may secure the peace of the family, yet such culture only cannot answer all the paternal responsibility.

He is bound to insist on his child's obedience not merely through fear, but also to teach that child that he should obey from filial love. Legality, even in mere family interests, will not be enough; the parent must inculcate the principle of loyalty, and be satisfied only when he gets obedience from love. His responsibility to the family and to the state could be all answered in securing the legal obedience of fear or reward, but his responsibility to God can be only answered by the nurture which seeks loyal obedience from love.

Thus, this parental authority, in the end of family peace or freedom, resolves itself into the same two principles; and whether we look at domestic authority, as in the end of family peace, or as training for the state, or for the government of God, it gives in all only the two ends of freedom and piety—the obedience of legality and loyalty. We may thus put the three within the last two only.

It may be of interest to consider, that obedience from filial love, and the respect and reverence rendered to a parent which is due to the dignity and authority of the parental standing, give that which may be properly characterized as piety. Æneas had the epithet of *pious*, from his reverent regard and care for his father Anchises; and the household deities, which the Latins venerated and even adored, were but the shrines of their departed ancestors. It is obedience from love; reverence for the dignity and majesty of rightful authority; cordial response to the claims of respect and veneration; and is thus the essence of religion. It becomes truly a worship,

when the confidence and reverence is directed to the Divine Spirit. But the truly loyal spirit of a child fits for the transfer of allegiance, from a father's authority to God's: and the spirit that has truly obeyed a father, from love to his authority, is a pious spirit, and in the first full view of God's authority and majesty will, in certain loyalty, bow down with reverence, and lovingly serve and adore.

That the parental government has this two-fold end is quite manifest, further, from the very nature of the case in the civil point of view, and from God's direct revelation in the Divine. Such is the direct bearing of all family authority and discipline upon the interest of the state, that the parent ought ethically to stand responsible to the law, for his administration of this government. The citizen must come up into the state through the family. No other guardianship for childhood and youth can take the place for this training, in general, so well as the parent: and the infantile and youthful training must precede the adult responsibilities of the citizen, and the state take the consequences of the family training in the characteristics of its citizens, from generation to generation; the parent thus ought to have the duties to the state in his design through all his culture, and the state ought, for the freedom of its perpetuated generations, to guard the family authority, and hold its administration perpetually subordinate and subservient to its higher claims.

The same train of argument would also show, from the nature of the case, that God must hold the parental authority responsible to him for the training of its members,

but we have abundant declarations in the revelation he has made to this purport, and to which the Christian moralist may go direct for the proof. The very reason for God's distinguishing favor to Abraham was, that he knew "he would command his children and his household after him, that they should keep the way of the Lord."—Gen., xviii, 19. And the very reason that he constituted families, under the direction of the man as husband of one wife, at the beginning was, that through the regular family discipline "he might seek a godly seed."—Mal., ii, 15. And to the Corinthians the Apostle makes the religious character of either one of the parties to have its effect upon the children—"else were your children unclean, but now are they holy."—1 Cor., vii, 14. Showing at least this much, that in the family state he regards with peculiar interest the condition of the children. And to all such as feel the Scriptural obligation to infant baptism, the point is manifest.

Taking these ends in combination, as that which is to be attained in the institution of the family, and which is established from the nature of the case, the claims of morality, and the revelation of God; we must in this light determine the principles which lie at the foundation of all parental government, and the duties embraced within the domestic relations.

These may all be included within the following topics:

1. MARRIAGE.
2. THE DUTIES OF PARENTS.
3. THE DUTIES OF CHILDREN.
4. THE DUTIES OF SERVANTS.

CHAPTER II.

MARRIAGE.

MARRIAGE *is the union of one man and one woman in exclusive co-habitation for life.* It is the source of all the domestic relations, and must be determined, in its nature, rights and duties, by the grand ends of the domestic institution itself. It is not a mere private and special agreement between the parties, and thus only a particular contract; its end and importance determine for it universal rules, and thus make it to be a public institution, and so far as God has established it, a Divine institution. It is indispensable to the continuance and elevation of human society, from generation to generation.

The ground for the institution of marriage is found in the constitution of human nature. The spiritual life is so modified in the sexes, that neither is entire in itself. A state of celibacy is a state of incomplete being, and the soul of neither the man nor the woman is satisfied, except as the two become blended in one. The essential marriage tie is a spiritual union. The constitutional propensities, also, both of natural desire and social affection, which find their end in the mutual intercourse of the

sexes, need to be regulated, chastened and balanced by some permanent ordinance. The marriage bond refines, directs and tranquilizes all these propensities, so that society is secured from all the irregularities and disturbances of their passionate gratification. Mutual confidence is imparted; tenderness and sympathy are induced; feelings and interests become identified; and the husband and wife are no longer merely two persons of different sexes, but conjunct in one spirit. A new charm is added to life; and while every joy is augmented in the mutual participation, every sorrow also is softened in reciprocal support. This balance to all constitutional propensity, keeps its regulated action upon the successive generations of youth, who come up under this influence: their habits and expectations are formed under it; and they look forward, with hopeful anticipation, to such happy selection and union of kindred hearts, as the most interesting and important event in life. A national sentiment is thus created and cherished, which works perpetually in society, to give security and serenity to domestic life, and the opportunity to attain the great ends of the family state, in the nurture of their children for the duties of the state and the service of God.

These children are a common object of affection to the parents, binding both in stronger conjugal attachment, and the education and discipline of the child is also a matter of common care and anxiety, awakening new sympathies and hopes; and thus the family institution comes to be the strongest, the dearest, the most effective spring to human activity that social life possesses.

But while the ground for such an institution is in the constitution of human nature itself, the establishment and ratification of it must be given in some public ordinance. Nature lays the ground and reveals the reason for marriage, but some positive authority must legally ratify and guard it. When a selected application of these desires and affections has been voluntarily reciprocated by the parties, then must some acknowledged authority interpose, and by some formal ceremony solemnize the nuptials. The public have rights and interests in it as really as the parties, and this official public ratification is necessary for the public notification; the public assent; the perpetual public regard; and thus the preserved safety of all the parties in this new relation.

For the greater prominence and emphasis, the particulars which enter into this definition and description of the ground and nature of marriage, may be here more specially enumerated:

1. *The sexual desires and affections must be exclusively directed to one person.* The choice which fixes upon the object of conjugal affection must include one person of the other sex alone. A true marriage can include the union of one man and one woman only.

2. *The choices must be reciprocal.* Both must be each other's choice; that is, each must choose, and each choose reciprocally the other. No choice of one alone, however ardent, can make "of the twain one."

3. *It should be a free choice.* Each party is a voluntary agent; alike free to bestow or withhold these affections. The conduct of one party may give a moral claim

to esteem or gratitude from the other, but nothing can lay the other under obligation to conjugal affection, except a personal assent and promise. All prudential motives should be regarded; but in view of whatever motives, the asking and assenting must be alike free.

4. *The commitment must be for life.* Inviolability is demanded, until death stop all exercise of earthly affection, or remove its object. If anything but death come in to sunder the marriage-bond, it has been over the broken marriage-vow; that knows no moral rupture but by death.

5. *There must be an official ratification.* The leaving of father and mother and cleaving to each other must be exhibited in some public formal manner, in which the authority that establishes the ordinance is recognized as speaking out in ratification. No private agreement can confer either the rights or the obligations of marriage.

With this extended statement of what marriage is, we proceed to confirm it in the light of the ends of marriage. This will be done in several distinct sections.

Section I. *The authority which should settle the marriage institution.* There are public ends which forbid that marriage should be a special contract between the parties alone, and thus there must be some positive general regulations by authority, which shall make it a public institution binding upon society. Whence then the authority on which the institution must rest for its validity?

One end is found in the interest of the state. The civil sovereignty has the right to control marriage for the sake of public freedom. No parties have the right

the Christian nation in making laws and institutions. If the nation disregard this higher law of God, the contest is between the state and heaven; and if individual conscience is thus put between two conflicting authorities, it is bound not to violate the Divine, but to take any penal consequences that it must from the human. The ethical principle is, that God may legislate, in marriage as in any other case, for piety's sake, over the state. State authority is ethically a nullity, when Divine authority comes in with its higher end of piety. The institution of the Sabbath, or of any sacrament, is precisely as the institution of marriage. As a religious ordinance, it is wholly from God's authority, and states are bound to make their civil polity conform to it, in such a way that any citizen can obey both. If the state polity, in the estimation of the citizen, conflicts with religion, he must obey God and let the state do what it will.

In reality, the two ends of freedom and of piety can never clash. God will always legislate wisely for piety, and if the state shall do the same for freedom, there can be no conflict to grind any enlightened conscience between them. That family arrangement which subserves piety best, will also subserve liberty best.

Section II. *Breach of marriage promise.* A mutual promise of marriage, between a man and woman, is a betrothment only, and not marriage. It is a promise, more or less sacred according to the manner of making it, at some future time to enter the marriage relation. It confers none of the rights, and imposes none of the duties of marriage. A breach of this promise is no violation of the marriage covenant

In proportion to the interests involved, however, is such a promise strongly binding. No parties are at liberty thus to plight their troth, but upon the most serious and satisfactory reasons. When done, it must bind the conscience under obligations that only the most weighty considerations can justify in seeking to dissolve. Specially is this the fact on the part of the man, as the receding from the promise must probably affect the woman the most severely. If affection has changed, or circumstances thrown great obstacles in the way, it may be a justification for a mutual release; but one party may not withdraw without the consent of the other, righteously, except in the full conviction that the consummation of the marriage, in that case, would be an immorality, and only by all indemity as far as practicable.

Section III. *Polygamy.* The original institution of marriage, by God, was with the first of the human race, and united one man with one woman. This may be seen, in the nature of the case, to be the most congenial to humanity. The spiritual incompleteness of sex demands that the husband and wife become spiritually one, and no such blending in unity can be possible in a marriage at the same time with more than one. The peace of the family will be more secure, and the piety of the children better promoted. This was the consideration that induced God to institute marriage. He made one woman only, though he had the residue of the creating spirit and might have made more; but he made one, "that he might seek a godly seed."—Mal. ii. 15. The re-enactment of the law of marriage, by Jesus Christ, is of the same

purport. "And he answered and said unto them, have ye not read that he who made them, at the beginning made them male and female. And said, for this cause shall a man leave father and mother, and shall cleave to his wife: and they two shall be one flesh? Wherefore they are no more two, but one flesh. Wherefore what God hath joined together, let not man put asunder."—Math., xix, 4 to 6. And so also with the Apostle; "Know ye not, brethren, (for I speak to them that know the law,) that the law hath dominion over a man as long as he liveth? For the woman who hath a husband, is bound by the law to her husband so long as he liveth, but if the husband is dead, she is loosed from the law of her husband. So then, if while her husband liveth, she is married to another man, she shall be called an adulteress; but if her husband is dead, she is free from that law; so that she is no adulteress, though she be married to another man."—Rom., vii, 1 to 3. If polygamy was practised by the Patriarchs with God's permission, it still had no Divine sanction; God's legislation has been always against it, even when for other reasons he has not enforced it.

The end of all human government, also, demands that one man be united only to one woman. No nation has permitted polygamy, but at the expense of many evils to the community, and the sacrifice of many things vitally connected with the public freedom. The true interests of the family, and through it the true interests of the state, can be secured only by exclusive single co-habitation. The state, therefore, should as rigidly exclude

In the laws of incest, two things are mainly regarded; one, the deterioration of the race physically, which is found to be universally the fact when the parents are within certain degrees of near kin by blood; the other is of a moral nature, and would repress all sexual inclinations in such cases as from family connection there must be daily intimate intercourse. On both of these accounts the laws of incest have a basis in morality, and on the last account they apply to relationship by marriage, where there is no consanguinity.

Without exactly settling the line within which the marriage is incestuous, other than by an application of the above reasons for prohibiting such marriages, and observing that all nations have had occasion for such legislation, though differing in the degrees of kindred prohibited, we may apprehend that there is the same ground for civil, as for Divine enactments, against incestuous marriages. The state has important interests involved as well as the church, and freedom as well as piety is endangered by the union of parties of too near a relationship. The practice would punish itself in its own consequences, but civil polity and religion would both be injured, and thus prohibition under positive penalties should be enforced.

Section V. *Divorce.* The considerations already given show that marriage should not be viewed in the same ethical light as private contracts. The freedom and the piety of the race are so directly involved in the fact of marriage, that both the state and God must legislate in the regulation of it. This is of the highest neces-

sity in reference to the right of divorce. No matter how inconvenient and irksome the restraints in individual cases, the end of public freedom and piety should be nevertheless maintained.

The original intention of marriage, in its institution by God, was manifestly designed for perpetuity, and to hold the parties in union during life. Hence the expression of unbroken union — forsaking all other, the dearest connections, and *cleaving* to the wife, and the twain becoming *one flesh.* No divorce was contemplated in this language, but by the death of one of the parties. This is further confirmed by our Savior's comment. "Moses, because of the hardness of your hearts, suffered you to put away your wives, but from the beginning it was not so." — Matt., xix, 8.

The permission in the Mosaic law, to divorce the wife under certain regulations, is expressly put upon the perverseness of man, and thus the civil law forbore to enforce the righteous principle, since in that state of depravity the nation could not bear it. The tyranny of the man, with his hard heart, would have made the condition of the woman worse in perpetual union than in regulated divorce. This was man's fault, and thus no annulling of the marriage institution, as God had given it, and as man ought to use it. And thus Christ cut short the permission to divorce, and put marriage upon the original, and the perpetually righteous foundation; inviolability but by death. One cause only is admitted as a justification of divorce, and that an already sundering the nuptial tie by the adulterous infidelity of one of

the parties. "I say unto you, whosoever shall put away his wife, *except for fornication*, and shall marry another, committeth adultery, and whoever marrieth her who is put away, committeth adultery." — Matth., xix, 9. Neither the state nor religion could profit by legalizing the connection, and imposing an obligation of nuptial rights and duties upon one, when the other went after fornication. Morality justifies such a case of divorce on the part of the faithful, but this is the sole reason that the end of [redacted] allow as an occasion for the dissolution of the marriage-bond. God has legislated emphatically and finally in this matter, and to the eye of reason in the best manner for the end of piety.

Civil society has also been regulated in this matter by the state, and in various ways and for varied reasons the right of divorce has been granted. Wilful desertion for a considerable time, neglect to provide, great cruelty, flagitious crimes, imbecility, and sometimes incorrigible contrariety of temperament and disposition, have been made state reasons for divorce. The ends of piety will always be found in full conformity with the end of civil polity, and God's legislation in any matter, where the same can apply to state purposes, will be a fair index of what is most for public freedom, and thus the institutions of God and of the state will be concurrent. The further the state deviates in the law of divorce from the law of God, the less will it subserve the end of state government, and the only apology for the state not to adopt the law of God, must be that which God gives for Moses' law, viz.: the depravity of the people.

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marriage union, then has the whole marriage been a nullity, and must be treated as void.

Woman may be often much oppressed by an ill-assorted connection, but an easy dissolution of the marriage bond will ultimately far more enslave and degrade the sex. When a pure minded woman allies herself to the man of her choice, it must be with mutual pledges of eternal fidelity. Take away her confidence that the union is indissoluble but by death, and the solemn vow becomes only a base assent to temporary prostitution, and the soul is not wedded though the body be surrendered. An attempt to attain emancipation for woman from the hard lot of an ill-assorted marriage, by an easy dissolution of the nuptial bond, must augment the general evil. The husband and wife must be one in sympathy, in will, and moral personality; holding all interests and anxieties in perfect transparency to each other; and any thing that contravenes this will necessarily degrade woman from the high sphere in which a righteous marriage contemplates her. As long as the Christian ordinance of marriage is maintained, woman cannot become a mere servile and sensual appendage to man. If the state grant divorces only in view of personal inconveniences, and special hardship, overlooking the public end of marriage, the few will be relieved at the expense of the many, and both man and woman become morally debased.

from him the retributions he shall award for personal character and conduct.

The authority of the father and of the mother are concurrent, and the members of the household are as much bound by the separate commands of the one as of the other. There is no difference of end, and no conflict of interest in the parental authority, but both concur in one end and to the advancement of one interest. If, then, any collision of parental authority occur between that of the father and that of the mother, it must arise from the ignorance or the selfishness of one party, and not from any legitimate contrariety in parental authority itself. In an unfortunate, and from some source wrong clashing of commands, there must of course be some ultimate sovereignty; and the reason of the case, the law of the land, and the law of God, put this supremacy of family sovereignty in the hands of the father. In the case of separate commands, the children and servants are bound to obey both, but in any direct contradiction of commands that of the man is paramount. The duties of each are similar, inasmuch as the ends of each are the same and the authority concurrent. The difference of duties is found only in those things, where the action of one can gain the common end more effectually than the other. The marriage union supposes that the authority will always be one, inasmuch as the husband and wife in marriage become one.

It is in this view that the wife acts through the husband, in those particulars where the agency of only one can be permitted. In personal acts, involving personal

[illegible] husband and wife are wholly [illegible]. [illegible] of the final end of God. One [illegible] of course, one [illegible] In all cases where one only [illegible] known. Thus, in [illegible] husband and the wife cannot [illegible] their union, and taking [illegible] here both are, and [illegible] the action of the husband. So, [illegible] husband and wife [illegible] but the wife acts [illegible] by the husband. Whether [illegible] have the right of suffrage, [illegible] be answered by other consid- [illegible] in the marriage union one [illegible] husband should act, and [illegible] interests of both. There are [illegible] interests of the wife, [illegible] husband may make her conjunct, [illegible] proper and imperative, according [illegible] in the transfer of property, which [illegible] interests distinct from his, or in her religious [illegible] communion, her separate voluntary [illegible] required.

The great principle by which to determine all such [illegible] is that of the unity of the parties in marriage; [illegible] should act in view of the end of marriage, [illegible] known as acting only in the husband; but where the end of marriage does not demand this [illegible] interest of the wife distinct from the

husband tolerates her separate action; and where the responsibilities of personality remain which cannot be merged and lost in any union, the separate action of both is ethically required. In this sense, even the union of marriage may lay personal responsibilities upon the husband in relation to the wife, which he only can sustain, and in this point of view he has the ethical right to restrain the wife. He may be liable for her debts, or for her injuries to others in slander or violence, and should have a constraining authority and his duties as head of the household, including both wife and children, must be modified by such responsibilities. The peace of the family, and the political and religious ends of family government, cannot otherwise be attained.

We have thus the principle of concurrent authority in the family goverment, except in some extreme cases, and this in connection with the end of the family organization will determine parental duty.

The Duties of Parents may be comprised in the following particulars:

1. *Support and maintenance of the children during their minority.* Infancy is helpless, and through the stages of childhood, youth, and on to maturity, there is dependence upon parental support, though constantly diminishing in degree to the period for manly independence to begin. Nature more specially throws the infant upon the mother, and thus claims from her the chief support and care. The more special charge of the father increases with the growing ripeness to maturity. The parents are in this way both called, in their dis-

[illegible] to minister to the support of [illegible]

[illegible] is recommended in view [illegible] the family name. If children do not [illegible] they may be, and whether the [illegible] be retained. The parents are [illegible] for the wants of their children, and [illegible] and they should do this in harmony with the [illegible] of parental feeling. Those [illegible] have given the highest affection, and [illegible] should provide for the family wants. It is [illegible] the death or disability of the parents that [illegible] should rest in the care of others.

The quality of the supplies, and the amount furnished, should correspond in a degree with the parents' rank and wealth. It would be an immorality for those parents who are poor and lowly, to attempt furnishing their children with the supplies of the rich and elevated; and it would be an equal immorality for the latter to give to their children only such supplies as might come from the former. Equality of condition can nowhere be permanently maintained: if all were alike to-day, they would again become unlike to-morrow: and the support demanded by morality, must have regard to the circumstances of the parent.

2. They should be taught to secure a healthy and vigorous [illegible]. Many weakly and sickly constitutions are hereditary, and often the fault of one or both of the parents, as the consequence of their own carelessness or vice. The direction, then, would demand of all

persons to so regard their own health, that their children need not suffer by it. But the direct care for healthy physical development, is in reference to the children when born. The strongest may be made weak by a careless, and the weakest may be made stronger by a careful parent. Much of human imbecility, pain, and premature death, is the immediate result of parental ignorance, negligence, or direct wickedness. The child may be ruined in health, by either too much hardship, or too much indulgence, and the parent is bound to guard against all extremes.

It becomes, thus, the duty of all parents to attend to the entire habits of life in their children. Their method of dress, food, exercise, sleep, and all their employments, act upon the physical constitution; and if this be neglected in their indulgence or privation, it will necessarily suffer thereby. Whatever weakens the constitution interferes with the right of the state; and though a sick man may be as pious as a healthy one, yet he has not the occasion for doing so much for general piety, and therefore the parent who has brought sickness and feebleness upon his child, through his fault, has also interfered with the claims of God. The end of family culture, both in politics and religion, demands the securing of as robust and vigorous a constitution as may be. The whole parental discipline should be modified by such important considerations.

3. *Mental cultivation.* The mind has its own native rudiments, and such only can be made to develop themselves to their maturity. But this growth to maturity,

of what is in the mind, depends upon favoring outward conditions, and thus upon the culture and discipline bestowed. Little can be done for the good of the state, or the honor of God, by the ignorant and weak-minded, and the whole end of family government may easily be defeated by a faulty or a neglected education.

The parents are at first directly responsible, for the training of the opening mental faculties of their children; and then in more advanced stages, they are responsible for the instructors employed, and the advantages given. A thorough education is not only a fortune to the child, but a price put into his hand, whereby he may serve both his country and his God.

4. *Habits of industry and economy.* Every child should be made to know the value of labor, of time, and of money. Without this, he will habituate himself to squander them all, for no profit to himself, his country or religion. The most wealthy parent sins against all these interests, in allowing his child to grow up in habits of indolence, dissipation and prodigality. It is not merely the danger to that child's own want and poverty, from idle and dissolute habits, but the very end for which God has given children to the parents is thus frustrated. They are useless to the state and to the church, and neither man nor God get any good of them, except in setting them as a warning to others. If the parents through fondness, carelessness, or too busy occupation in other matters, have neglected to train up their children in habits of industry and sobriety, they are guilty of gross parental delinquency.

5. *Counsel and assistance upon their independent entrance on the business of life.* There must be a period for minority to cease, and independent activity and business to begin. As this period of full age approaches, parental care should be modified to the growing experience and wisdom of the child; and he be taught to rely more upon his own judgment, and avail himself of his own resources.

But at this period of adult age, and entering upon the responsibilities of his majority, the child has peculiar claims upon the parent; and whether son or daughter, the most prompt and effective assistance is here needed. Parental counsel can never come under more affecting and encouraging circumstances.

Secular influence and pecuniary assistance should be granted, especially to sons, as the parent can afford, and the condition of the child needs. It is a violation of a moral claim, if, for their own selfishness or indulgence, the parents withhold assistance in this crisis of their child's history. A lavish provision and expensive outfit is not demanded, in any case of such beginning experience; and if bestowed, will pretty surely do more hurt to the child than good; but the assistance should be such as will encourage, and yet prompt to greater industry and frugality. The boy passes into the man, and all the former discipline of the parent, to prepare him for his place in society and his worship of God, is now to come forth in actual engagedness. As he steps over the domestic threshhold, to go out among strangers in the social world, he never more needs the parental

blessing and counsel, and in his individual destitution of all accumulated capital, he can be never more in want of judicious help from the patrimonial resources. His influence for the state and for God will thus be best subserved.

6. *Over the whole period of minority, there should be direct training for the state.* The parental duty towards the state is not fulfilled, by that culture and discipline which enables and induces the child to take care of himself, and sends him out, or sets him up in business, on his own account. This would be acting as if the parent had no higher responsibility than the animal, merely to propagate his kind, and rear his offspring to do the same, and then die. Man lives for ends beyond himself, and thus beyond what would be gained, in rearing up another man merely that he should take care of himself. Society cannot exist, and grow in moral and intellectual elevation, and thus the race make progress from generation to generation, without the state, and the action of its sovereign authority. And such state action can only be in constraint, except as the citizens are intelligent and virtuous. No man helps his fellows, in elevation and refinement, above his own standard; and thus no man works, in his place in the state, for any political profit, without having already become himself enlightened and righteous. And to train to this capability of service, for public freedom's sake, is one great part of the end for which the family organization exists.

Every parent is bound, thus, to keep his eye upon the state, in all his government, and directly educate for its

wants. This is done by educating the child for his own highest interests, and also, so far as his regularity, industry and frugality go, to help the social world about him. But he must be trained to patriotism, other and higher than as his country is helped collaterally by his helping himself. His country's freedom is an end of life, and he must be taught to make sacrifices for it. Not to seek first his own, and his country only in benefitting himself; but himself, a servant to his country, for his country's sake. And with this patriotic spirit, he needs to have been taught how he may advance his country in civilization and the public freedom. He should know her constitution and her laws; her relation to other nations, and her past history; and no parent has done his duty as a parent to his child, if he has not cultivated both this patriotic spirit, and the faculties which are to carry it out in action through all his political life. The family is bound to be directly subservient to the state.

7. *There must also be direct training for God and heaven.* God has given the child into the parents' hand, as the highest of all ends, to train in piety for his sake. The end of the family is to teach the child reverence for God, and a sense of dependence upon him, and direct prayer to him and worship of him. The child may grow up irreverent and impious, but not without the neglect and fault of the parent. If by both precept and example the child from infancy is nurtured in true piety, the effect will be seen in early years, and even to old age he will not depart from the way he should go.

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CHAPTER IV.

DUTIES OF CHILDREN.

THE duties of parents will determine very much the duties of children, inasmuch as they are mostly reciprocal. The authority on one side is met by corresponding obligation on the other, and for the same end that the parent should administer the family government, should the child also be completely subject to it. The duties of the parent terminate in the state and the kingdom of God, and the obligation is clear and full upon the family-head to train the children for meeting the claims and responsibilities of both; and in the same way, the obligation is upon the children to conform to this parental culture and control, and thus secure that the end in view shall, in their case, be consummated.

A few instances of the more general and prominent duties of children will be sufficient to be here noted, and all others will be indicated thereby or included therein.

1. *Prompt subjection to parental authority.* This is unqualified, in reference to all commands that are within the parental authority legitimately. The parent has the proper place of sovereignty, and thus the right to command; and when the commandment is within the proper lines, nothing can release the child from the obligation of subjection.

stand in the future relations of civil polity, but this can not meet the full claim to the subjection of the child and obedience to the parent. There is another and a higher end of piety to be attained, and this demands a heart of loyalty. Filial piety is obedience to the father from love, and religious piety is obedience to God from love, and the child's duty is not done in any mere legality, but must come upon the ground of complete loyalty.

2. *A meek and docile spirit.* The whole of parental duty is not in exercising positive authority, and securing action by commands; much instruction is to be given, and a very varied discipline to be administered, which is not merely legal. Law itself is a teacher as well as a commander. The end of patriotism and of piety can not be reached without much teaching, and a varied long-continued nurture.

On this account, the duty of every child is to maintain perpetually a teachable frame of mind. There must be the readiness to gain knowledge, to know duty, and also to conform to the truth known; a mind soft and yielding, and thus freely susceptible to the plastic hand of parental discipline. A stubborn, froward, unyielding spirit in any child, aside from all overt action, is a gross immorality. The family peace must be often disturbed, the end of the state cannot be subserved, and much less the end of piety, by any hardness of heart or wilfulness of disposition. Under the Jewish law, the punishment of a froward and stubborn son was terribly severe.—Deut., xxi. 18 to 21. The abhorrence of God towards such impiety, in

all cases, is not probably too strongly expressed in this case.

3. *Respect and reverence.* In the nature of the case, high regard and honor are due to those from whom, under God, life has been given and sustained. But the claim is not merely from nature. The life is given, and the living being reared in the family, that as a man he may be matured and fitted for the citizen and the Christian. He must come to bow reverently before the scepter of civil sovereignty, and religiously before the throne of God. He is under the culture of the domestic institution, that he may there attain this higher preparation.

And nothing is a better discipline for the perpetual respect of the majesty of law, and the religious homage of Jehovah, than that filial reverence and honor, which is claimed of all the children in the family toward their common parent. Even should the parent be an unworthy member of civil society, it is still the duty of the child to hold the parent in great honor, though obliged to grieve for the degeneracy of the man. All neglect, reproach, or contemptuous speech or look, directed towards a parent, is most undutiful and immoral. The fruitful source of much political evil, and prevalent irreligion, is in an irreverent family.

4. *Kind attention in sickness and support in old age.* Time brings round its changes, and a complete revolution is made in the family relations. The sources of support, and the objects of dependence, have reversed their standing to each other; the child has become a man, and the man has gone back to be a child a second

time. There is no nurture and discipline to bring to maturity in second childhood, but a patient and affectionate tending of the decrepitude which has passed maturity, and a reverent watching of the dust which the remnant of vitality yet keeps from crumbling.

With this change of condition, the duty of the children has changed. They are now to manifest the filial piety they have been taught; and to support those limbs, which in their own weakness had supported them. The duty of obedience in youth is not more imperative than the soothing attention and care of parents in their declining age. No man can be either a good citizen, or a good Christian, who neglects the helplessness and dependence of an aged parent. Even if remembered neglect, on the part of the parent, be grievous, still the debt of life and ancestral origin remain, and the child is vicious not to pay.

ind disposition. And unless this be cherished in the amily circle, it is vain to expect it first to spring up mong the jarring interests and selfish purposes of public ociety. And although the temper and the example of he parents will do much to mould and form the disposiions of the children, yet must very much also depend pon the mutual influence which they exert upon each ther. Kindness begets kindness in return, and the eciprocal good feeling and kind action, between the chilren of the same family, perpetuates its peace and hapiness. Every hour's indulgence of a spirit of jealousy r envy, of anger or hatred, by any member of the circle of children, brings its discomfort to the whole family; disquieting and grieving the parents, and provoking to retaliation the other members.

The heart of each is thus to be cultivated, by his or her own care and self-discipline, and its affections cherished directly and constantly towards every brother and sister. A disregard of this perpetual obligation is a great immorality.

2. *A careful regard to each other's feelings and reputation.* The union of the marriage bond is the most cordial, constant, and indissoluble of any relation in life. It is not the tie of blood, but the commingling of personalities in union, from which all the relationships of consanguinity originate. The family, thus, is made a unit, and as the husband and wife have become "one flesh," so are their children participants in their blood, and identitical in the union. Emphatically, one member cannot suffer, but every other member must suffer with it. The

dishonor of one is an indignity to all, and a pang felt in one bosom must shoot through every heart.

No wound can be so painful here, as one inflicted by a brother's or a sister's misdeed. An intended or a careless wrong, from one within the fraternal circle, is far more intolerable than the injuries or the insults of any without the family. Moreover, all the regard to the feeling of others, and the tender care of character and reputation, which is to mark our life amid the duties of citizenship, and in the family of God, are to be first cultivated and practised, in our intercourse with our brethren and sisters, at the common home of us and them.

3. *An acknowledged equality in domestic privileges and prerogatives.* From the very fact of greater age and experience, an elder brother or sister may be justified in counselling and directing the younger, and naturally such will exert a leading influence upon the later born children. But no disparity of age gives any family superiority, or domestic prerogative; and there should, on this account, be no assumption of authority and participation in the parental control. All such usurpation will beget the evils in the family, which flow from unrighteous authority everywhere. Resentment, pertinacious resistance, and direct contempt, will spring up in the oppressed; and insolence, cruelty, and violence, will manifest themselves on the side of the oppressor; and in such a family there will never cease to be disunion and dissension.

This is ever the duty of the elder to the younger, that in all their counsel and direction they use only the moral

influence of their position, and not arrogate to themselves any of the prerogatives of the parental authority. There is no such authority legitimately, and all assumption of it is an injury and an immorality.

4. *All cases of collision should be referred to the parental authority.* Every community must have its supreme sovereignty, or the members are left in anarchy. This must be placed in some one known and acknowledged point. In the family, unless very special reasons have come in, this sovereign umpire in all controversy is in the parent. No other has the authority to judge and decide in disputed family rights. The whole training, for a future law-abiding spirit, is in this deference to parental decision and execution.

In all collections of children, offences and collisions will occur. This will not unfrequently be in the children of the same family. Their common umpire is the parent; and all disputed matters, unadjusted among themselves, must come up confidingly to this tribunal, and the decision be received with ready acquiescence. Such an ultimate tribunal is not to be used by the child as a matter of threatening, to deter or coerce a brother or sister to his or her wishes, against which every parent should scrupulously guard each child; but the resort is righteously made only for instruction and decision, and to the child this is final when validly given.

5. *All demoralizing example and influence must be sedulously excluded.* The nearness of the connection, and the constancy of the intercourse among brothers and sisters, give necessarily great consequence to all moral

influences exerted. One vicious member of a family very soon corrupts others, and very easily leads astray, especially under the advantages of age and more experience. All the ends of the family institution may be defeated and lost, by the action upon others of one immoral brother or sister.

The intercourse in the fraternal circle should thus be scrupulously virtuous and pure. Especially should all the example and influence of brothers with sisters be the most delicate, refined and elevating. A poison instilled here, not only goes through the family, but out into society, and on into eternity. The conversation and reading, the amusements and diversions, the whole communion within the domestic circle, should be as pure as it is intimate and influential.

6. *Their mutual duties, though modified, are not lost by their dispersion from home.* Successively they go out from the common paternal home, to find them other homes and originate other families, each in their own chosen connections. Though these new homes may be at a distance from the old family dwelling, and far from each other, they are still bound by strong ties, and owe to each other many duties. The remembrances of the past go with them, and these tender reminiscences still link them in unity. They are to each other what no other persons on earth can become.

There is thus the duty in each to cherish such remembrances; to seek all favoring opportunities for repeated interviews; to maintain frequent correspondence by letter; and to cease not the habitual remembrance of

each in prayer. They have gone separate, it may be, in society, and are in their own spheres fulfiling to the state the duties to which, in the family, they have been trained; but as these duties were not the only end of family government, so their performance will not finish all their work. They will come together again before God, to exhibit the issues of that parental culture which cherished their piety and prepared them for heaven.

Great forbearance and self-control is demanded in all distributions of the parental inheritance. Sad occasions here occur, for lasting heart-burning and perpetuated alienation, for which no amount of wealth can be a compensation. A family, that has been united and happy around the family hearth, may thus fall into dissention about its ashes when its fires have gone out. All such occasions for family alienation, given by any of the children through a spirit of selfishness or jealousy, is not only sadly disastrous to all future fraternal peace, but flagrantly vicious.

CHAPTER VI.

THE DUTIES OF SERVANTS.

It is often essential to the ends of the family institution, that there be other inmates than the parents and children. In various ways services must be performed by such as are taken into the family for that purpose. These persons come thus to sustain a peculiar relation to the natural members of the family, and their duties must be determined from the rights acquired by the head of the household. We have, thus, belonging to the sphere of morality under family government, *the Duty of Servants* to be determined.

Servitude may be either *voluntary* or *involuntary*. These distinctions give peculiarity to the servile relationship, and must necessarily very much modify the ground of obligation and the nature of the duties. We shall thus best apprehend the truth in relation to both by considering each separately.

Section I. *Voluntary Servitude.* The whole service in this rests wholly upon contract. It will include all such as come within the family by personal agreement, or by indenture of the parent or guardian. Hired servants, bound servants, indented apprentices, etc., come under this division of voluntary servitude. The princi-

ples which govern are the same as in all ordinary contracts, and need only to be simply stated to determine the whole matter of duty.

1. *The entire ground of claim is in the contract.* Nothing may be assumed which is not there specified, or fairly implied in all the circumstances. Established custom may regulate many things which will need no specification in the written contract, but this must be on the ground that each party has understood, and tacitly agreed to, all these matters of custom and precedent. The whole act of claim and obligation was in the ratifying of the agreement, and nothing back of that can be a source of right or duty.

2. *Each party must be alike free in making the contract.* Whatever circumstances may make such an agreement desirable, on either side, the party must be the one to decide to what extent it is desirable. In relation to the matter of agreement, they come together as equals, and one as free to assent or dissent as the other. Neither can be bound to anything to which the free assent has not been given.

3. *Neither party can contract in violation of any previous claims.* Whatever obligations either may have been under to the claims of others, these must be regarded in the making of the contract. If any such higher and older obligations are contravened by the later contract, it is to this extent null and void.

4. *The contract equally binds both.* The master may no more violate his stipulations than the servant.

5. *No one has the right to contract, to the known injury of the other.* Morality demands the same mutual respect, as men, in making contracts as in all other human intercourse: and hence each is bound to respect the rights of the other. All trick and deceit, all concealment and duplicity, which seek to take advantage one of the other, are vicious and immoral. Considering the wants and circumstances of both, each must stand upon the ground of a fair and honest equivalent in the bargain made.

6. *A wilful breach of the contract on one side releases from obligation on the other.* If one has been injured by the violation of the contract, in the neglect or wrong doing of the other, he has not only a claim to redress by way of damages, but he has the right to say, whether the contract has not itself thus become worthless to him, and that he may claim a full release from it. He may take his option, to be indemnified in damages, or in the annulling of the contract.

7. *Neither party may take advantage of his own wrong doing.* A violation of the contract in any way, by one, leaves it solely at the option of the other how to get his redress. The wrong doer cannot plead his breach of the contract, to attain any benefit on his part.

8. *Neither party can bind his children, beyond their minority.* The tie of consanguinity may lay claims upon a child after his parents decease, and thus more manifestly after the child's majority in the parent's life-time. It may be incumbent upon the child to do and sacrifice much to rescue a parent's character and memory from

reproach; but this is from the permanent ethical claim of blood-descent. The child would degrade himself in allowing the stain to rest on his ancestor. It cannot originate in any contract the parent has made. The child, at his majority, must have all the independent prerogatives of a man that the father has, or one generation enslaves another. When a new generation comes on, it must stand as free as the predecessor in making its contracts; and the people of the last cannot be bound by the first, to be made either masters or servants. A man may legally direct his property so as to bind his heirs after his decease, but his children's servitude, or mastership, must be of their own free controlling.

The above may be applied as the principles which are to regulate in all cases of voluntary servitude, and which will determine all specific duties and claims. The rights on each side will, in these, be duly guarded, and the ethical claims of each enforced.

Section II. *Involuntary Servitude.* This is where the person is held to service without his consent, and thus no contract is made. The will of one party is not consulted, but he is under duress, and constrained to serve. Several such cases may be named, as *equitable* compulsory servitude, but which do not strictly come under the authority of the family. The state is the controlling sovereign; and if the service be rendered in the family, it is wholly under the direction of the state authority.

1. *The demerit of crime.* Compulsory service may ethically be demanded of the criminal, either as penalty

[illegible] to his support while he [illegible]. Principles of [illegible] to determine the amount and [illegible] proceeds [illegible] family; but the [illegible] service from the [illegible] consent.

[illegible] has received that [illegible] indebted, he is [illegible] be considered [illegible] when the debt [illegible] remitted, the property [illegible] the creditor [illegible] pressed to liquidate [illegible] labor. If no [illegible] services may be [illegible] under the authority [illegible] compulsory labor.

[illegible] If the state is required [illegible] it should [illegible] services against [illegible] minister [illegible] state may not [illegible] compulsory [illegible] but the state [illegible] towards their [illegible].

[illegible] power is [illegible] and morality, to [illegible] who

shall be unable to pay for their own support. This, as in the case of pauper-labor above, gives the right to coerce servitude to the extent of the prisoner's support. Morality does not tolerate war and captivity as a source of gain, and thus a right of possession and property in the prisoner; but as bound to maintain while a prisoner, so the nation may exact services of the prisoner to that end.

In all the above cases, the state may sell the services to individuals, and may thus give over the right to exact, to the extent to which this right is possessed by itself. But in none of the above cases, is this exacted servitude any matter of family authority. If the family have the service, it must be bought of the state, and all right of control and coercion is only by state transfer.

Under the head of Family Government, aside from the parental authority which commands and controls the child, and exacts services without consent for the great ends of the family institution, there is but one case of involuntary servitude which can be contemplated, viz.: DOMESTIC SLAVERY. This has many more difficulties attending its consideration than any of the above cases. The conflicting interests, prejudices, political party arrangements, and general public excitement in reference to its evils, and the different methods of redress, all have united to complicate and embarrass the subject, and render it for the present almost hopeless of any determination, in which there shall be harmony of conviction and action. And yet the great principles of family government, and the ends to be subserved by it, are as readily applied to domestic slavery as to voluntary servitude or

parental authority over children. So far as slavery is a domestic institution, it must be determined, in its morality, by the ends for which the family exists, and be justified or condemned accordingly.

1. *The nature of domestic slavery.* This is quite distinct from all voluntary service, inasmuch as that is founded upon contract, but this contemplates service without consent—labor from compulsion. A definition, which will embrace all modifications of domestic slavery, is *the exacting of personal services without consent.* It controls without contract. It directs the action of the servant at the will of the master, and treats him as incapacitated from forming and executing his own choices.

2. *The ground on which domestic slavery becomes righteous.* This absolute control over the services of another is completely righteous, as a domestic arrangement, when it is kept fully within the ends for which the family has been instituted. The family is the nursery for man, to train him up for civil freedom and piety. The race is to be perpetuated and nurtured from generation to generation in lawful wedlock, and not through promiscuous co-habitation, because thus the freedom and piety of the race can be best promoted. It is this fact which gives its ethical validity to parental authority; and the same fact, actually existing in any case, will give equal validity to the authority of the head of the household as the master of his slaves. So long as it is most subservient to their preparation for the rights of citizenship, and the blessedness of heaven, so long it will be their duty to be obedient to their master for right-

eousness' sake. There is here one ground of subjection to family authority, to the child and to the slave, and while they both stand on that ground, the master's authority over his slave is as righteous as his authority over his child.

But this domestic arrangement of master and slave must stand solely on this ground, of subserviency to civil freedom and to pious worship, or it becomes an immorality. No man has the right to lord it over his servant, and control his services at his own pleasure, without regard to the choice of the servant, except upon precisely the same principles that give him this authority over his child. The child is born within the jurisdiction of such authority, and thus comes naturally under the principle; the slave may or may not be so born. But whether born in the master's house, or bought with his money, the only end that can ethically justify his control over him is, that he sustain that relation, and exert that authority, solely to the end of his preparation for state citizenship somewhere, and for heaven. Not at all the consideration of the master's profit or pleasure, but the highest public freedom and piety, can alone make domestic slavery stand square with the claims of morality.

It is quite important here to see how the whole Jewish code of legislation, on the subject of slavery, followed out this principle. It never omitted the end of civil freedom, where that was attainable; and never, on any occasion, the end of piety. It justified itself perpetually by keeping within righteous domestic principle, and seeking the end for which the family itself was instituted.

It recognized no right to slavery among the heathen. If a slave fled from a Pagan master, and would dwell in the Holy Land, there was the prohibition to deliver up the fugitive. "Thou shalt not deliver to his master the servant who hath escaped from his master to thee: He shall dwell with thee, even among you in that place which he shall choose in one of thy gates where it liketh him best: thou shalt not oppress him."—Deut., xxiii, 15, 16.

It prohibited all Hebrew slavery except by contract. A Hebrew servant might be bought, but with such contract only to the next coming year of release. "If thou shalt buy a Hebrew servant, six years he shall serve, and in the seventh he shall go out free for nothing."—Ex. xxi, 2. "And if thy brother, a Hebrew man or a Hebrew woman, shall be sold to thee, and serve thee six years, then in the seventh year thou shalt let him go free from thee."—Deut., xv, 12. If he became a perpetual servant, it was at his own agreement. "And if thy servant shall plainly say, I love my master, my wife, and my children; I will not go out free: Then his master shall bring him to the Judges; he shall also bring him to the door, or to the door-post: and his master shall bore his ear through with an awl; and he shall serve him forever."—Ex., xxi, 5, 6. See, also, Deut., xv, 16, 17.

It permitted national Gentile slavery as a commutation for death. The Canaanites were doomed to death, by God, for their idolatry, after waiting for the filling up of their iniquity from the days of Jacob. "But in the fourth generation they shall come hither again, *for the iniquity of the Amorites is not yet full.*"—Gen., xv. 16.

"And when the Lord thy God shall deliver them before thee, thou shalt smite them and utterly destroy them; thou shalt make no covenant with them, nor show mercy to them."—Deut., vii, 1, 2. "But of the cities of these people which the Lord thy God doth give thee for an inheritance, thou shalt save alive nothing that breatheth."—Deut., xx, 16 to 18. By deceit some of them made a covenant under which they were spared, but were upon detection made perpetual national bondmen. "And Joshua made them that day hewers of wood and drawers of water for the congregation, and for the altar of the Lord, even to this day, in the place which he should choose."—Josh., ix, 3 to 27.

It allowed domestic slavery by purchase from Gentiles. This was the only source of family slavery. "Both thy bond-men, and thy bond-maids which thou shalt have, shall be of the heathen that are around you, of them shall ye buy bond-men and bond-maids. Moreover, of the children of the strangers that sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land, and they shall be your possession."—Lev., xxv, 44 to 46. Such as were already in heathen bondage they might *buy*, but it was a capital offence to *kidnap*. "And he that stealeth a man, and selleth him, or if he shall be found in his hand, he shall surely be put to death."—Ex., xxi, 16. This transferred from Paganism to the privileges of a true religion.

The slave was allowed full religious privilege. Circumcision. "He that is born in thy house, and he that is bought with thy money, must needs be circumcised; and my covenant shall be in your flesh for an everlasting

covenant."—Gen. xvi. 12, 13. The Sabbath. "But the seventh day is the Sabbath of the Lord thy God, in it thou shalt not do any work, thou, nor thy son, nor thy daughter, *thy man-servant, nor thy maid-servant*, nor thy cattle, nor thy stranger that is within thy gates."—Ex. xx. 10. The passover. "But every man's servant that is bought for money, when thou hast circumcised him, then shall he eat thereof."—Ex. xii. 44 to 48. The temple service and sacred feasts. "And thou shalt rejoice before the Lord thy God, thou, and thy son and thy daughter, *and thy man-servant and thy maid-servant* —in the place which the Lord thy God hath chosen to put his name there."—Deut. xvi. 11. In solemn national covenant. "Ye stand this day all of you before the Lord your God,—your little ones, your wives, and the stranger that is in thy camp, *from the hewer of thy wood to the drawer of thy water*, that thou shouldest enter into covenant with the Lord thy God."—Deut. xxix. 10, 12.

If he was maimed by violence he was made free. "And if a man shall smite the eye of his servant, or the eye of his maid, that it shall perish; he shall let him go free for his eye's sake. And if he shall smite out his man-servant's tooth or his maid-servant's tooth, he shall let him go free for his tooth's sake."—Ex. xxi. 26, 27.

If he was killed outright by his master, the master was punished. "And if a man shall smite his servant or his maid with a rod, and he shall die under his hand, he shall surely be punished."—Ex. xxi. 20.

The fact that if he survived the injury two or three days, the master was not punished, "because he was his

money," verse twenty-first,—is the least easily reconciled with the general principle, of any regulation given. The fact that he was "his money," might indicate that it was not to be inferred that there was the intent to kill; and that in the uncertainty of the occasion of the death, the whole matter was to be left to the judgment of God.

It may not be certain, though it is probable, that the slave had the same privilege of becoming a proselyte that any free Gentile had; and thus at his own option, as a convert, he would come into all the privileges of an Hebrew of the Hebrews, and go out of his bondage at the next year of release. It is probable also, that the Gentile as well as the Jewish slave had his liberty at the jubilee. "Ye shall hallow the fiftieth year and proclaim liberty throughout all the land, to all its inhabitants."—Lev., xxv, 10. All Jewish slaves were free every seventh year by the special statutes before cited.—Ex., xxi, 2. Deut., xv, 12. This really leaves none but Gentile slaves to have the special benefit of the fiftieth year freedom, for the Jewish slaves were already provided for in the seventh year of release, and the Gentile slaves are manifestly recognized as properly citizens and inhabitants in the above transactions of Deut., xxix, 10, 12. The interpretation of Lev., xxv, 45, 46, is thus to be a permission perpetually to make bondmen of Gentile descendants in every generation, but not that any one Gentile man and his children should be perpetual slaves. Every slave was made free at the year of jubilee.

His whole training, in a Hebrew family, would be thus fitting him for the rights and duties of a citizen.

And under all circumstances, the Jewish law kept the great end of piety as fully in view to the master for his slave, as to the father for his son. Take the whole condition of a Pagan bondman, and view him as transferred by purchase to a Hebrew master, and how great the change for the better, both politically and religiously!

3. *The ground on which domestic slavery becomes unrighteous.* The only end for which the master may hold slaves, morally, has been given; but it may often occur that one man may control the services of another, in fact, for quite another end. The only one supposable is some private interest. The authority is exerted for some personal gratification, not for public freedom, nor piety. On such ground the domestic institution, as embracing slavery, is immoral, and all its authority an unrighteous usurpation. The particular definition of slavery, on the former ground, would be — exacting service without consent, *but solely for the end of highest freedom and piety.* The particular definition, on the latter ground, is — exacting service without consent, *for the master's own pleasure.* The immorality of this form of domestic slavery is made manifest in the usurpation and tyranny of the authority. Liberty of choice, in object and execution, is every man's birthright; restrained only by that which is due to the same right in all. There is admitted no partial prerogatives; but as. man, every one is alike free and alike restrained. All men may do what they please, if only each one will regard, in his pleasure, this same right in all others, and restrain his choices by the freedom of all. But the

principle of this form of slavery makes the individual pleasure supreme. One man gratifies his own choice, and discards wholly the right of choice in another. It annihilates the imperatives of morality in public freedom, by its own selfishness.

Still further, it overrides all the claims of piety. Piety can only be, in freely worshipping and serving God according to the dictates of conscience. It is complying with the impulse of man's spiritual being, in its conscious dependence, to go out in reverence and confidence to God, according to the honest conviction of the claims that God makes. The end of all family authority, beyond political freedom, is the cultivation of such piety. But this form of slavery discards utterly all such claims, moral and Divine, and puts the pleasure of the master above conscience and religion. It assumes to do, what morality can never permit may be done. Responsibility to personal claims of conscience is inalienable. Personality may not renounce its prerogative and become a thing. The slave may not consent to surrender it, the master may not arrogate to assume it. One cannot give it, the other cannot take it, without guilt. Neither consent nor force can effect such a transfer. Immutable morality still holds every man by the imperatives of his own conscience; and yet this form of the institution assumes to accomplish all this ethical impossibility, by the mere contradictory pleasure of the master. No possible assumption of authority can be more tyrannical or immoral.

[illegible] controls the slave for *the* [illegible] virtue.

[illegible] see how the Christian [illegible] slavery. We have [illegible] Testament, [illegible] consistently with the [illegible] resting upon [illegible] righteous. [illegible] refer to the lat- [illegible] were controlled [illegible] master. It was [illegible] Apostles allude, [illegible] which we [illegible] form of slavery [illegible]

[illegible] *master.*— [illegible] your masters [illegible] single- [illegible] Not with eye-service [illegible] servants of Christ, doing [illegible] And to [illegible] "Let as many [illegible] their own masters [illegible] that the name of God and his doc- [illegible] servants [illegible] masters, and to please them [illegible] answering again: Not purloining, [illegible] that they may adorn the [illegible] our Savior in all things"—[illegible] servants, be subject to your masters with all fear, not

only to the good and gentle, but also to the froward. For this is thank-worthy, if a man for conscience towards God endure grief, suffering wrongfully. For what glory is it, if when ye be buffetted for your faults, ye shall take it patiently? but if when ye do well, and suffer for it, ye take it patiently, this is acceptable with God. For even hereunto were ye called; because Christ also suffered for us, leaving us an example that ye should follow his steps."—1 Pet., ii, 18 to 20. This obedience was by no means required, on the ground that the slavery was righteous, and the master's authority morally valid. It would be more prudent for the slave to obey, and tend most to cultivate his piety. He was required to be obedient, "not only to the good and gentle, but also to the froward;" even obedient where cruelty and wickedness led to the "buffeting" of the slave for "doing well." It was expedient to obey; just as when you cannot escape from a tiger, it is expedient not to provoke him. It by no means justifies the usurped authority. It was better for the slave to obey; and especially it would serve to augment piety, and recommend the religion of Him, who in his humiliation was smitten and "opened not his mouth."

It requires masters to reciprocate the same spirit.—"Do the same things to them,"—"forbear threatening,"—"give to the slave that which is just and equal." Eph., vi, 9; Col., iv, 1. The Christian master was no more to provoke a froward slave, than the Christian slave was to disobey a froward master; and the wicked authority of the master is no more sustained by the injunction in

[illegible]

[illegible] [illegible] [illegible] [

Gospel bearing on this assumption to use one man for another man's pleasure; as in the parable of the good Samaritan; the golden rule; the command to self-denial for other's good, etc.; we cannot fail to see, that any form of domestic slavery, which assumes to control the slave for the master's pleasure, is as truly condemned by our Savior as it is abhorrent to humanity.

It will not be difficult in any community, where the institution of domestic slavery is established, to determine on which basis it rests and is supported and defended. The laws which define and regulate it, the customs and habits engendered by it, the practises constantly prevailing under it, will make patent the life and spirit of the system; and accordingly as it keeps within and subserves, or overrides and discards, the great end of the family, will it be approved or condemned by the stern rule of immutable morality.

Some individual cases of men there may be, who fully conform to the claims of morality and Christianity in the spirit and principle of their domestic arrangement, both as to children, voluntary servants, and slaves, while the public institution of slavery, as it is known in the law, sustained in the state, and practised by the mass of families in the community, is utterly vicious and immoral. The institution, as having its basis and support in state authority, and controlled by laws which coerce the slave to the master's pleasure, without coercing the master to the legitimate ends of family government, may be wholly immoral, and also wholly unchristian; and every family, which includes slaves on such a principle, will also be

FERENCE TO THE MASTER.

aster is bound to relinquish, at once, all claim
is servant merely for the ends of his own in-
leasure; and immediately to renounce any
ght to interfere with the dictates of conscience.
s bound to give to the slave the same freedom
imself possesses, so soon as the ends for which
ay righteously exist in the domestic institution
n attained. These ends consist in the training
ave for the duties of the citizen and the Chris-

here these ends are not yet attained, it is the
the master to hasten them as directly and as dili-
as possible.

ntil such attainment is secured, the master is
to a proper degree, by the duties of household
n, religious nurture, and mental instruction, as
towards his slave as towards his child.

Where the man faithfully fulfils such duties, the
f the land may unrighteously coerce to the relation-
of master and slave, but it is the master's misfor-
and not his sin.

I. IN REFERENCE TO THE SLAVE.

. The slave must obey his master, for the sake of
ediency and prudence, where the commands do not
sh with the convictions of conscience.

2. The slave must suffer his injuries meekly and pa-
ently, though not bound to admit them to be righteous.

3. He should keep the freedom of his conscience, and
esolutely refuse to violate its dictates, even unto death.

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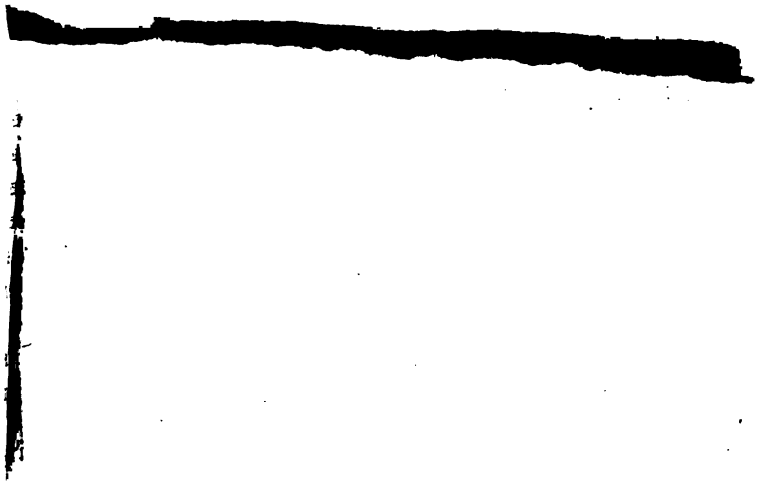
1. All are bound to compassionate, benevolently to regard, and to pray for both the master and the slave.

2. Every man in the community is bound to exert his influence, in a wise and prompt manner, and as occasion may offer, both by speech and act, through the press and legislation, to abolish the unrighteous system of slavery as soon as possible.

3. As opportunity occurs, all ought to enlighten, persuade and reprove the unrighteous slaveholder, but with neither railing nor denunciation.

4. All should help the slave to regain his freedom in all ways not criminal. The law of the land may bind the citizen where it could not righteously restrain the slave. The one is legitimately under authority, the other is not.

5. All should insist upon the right of free discussion, and the application of general principles to practice, in the matter of slavery as on every other topic. A man becomes a traitor to the rights of humanity when he renounces his claims to free inquiry and discussion.



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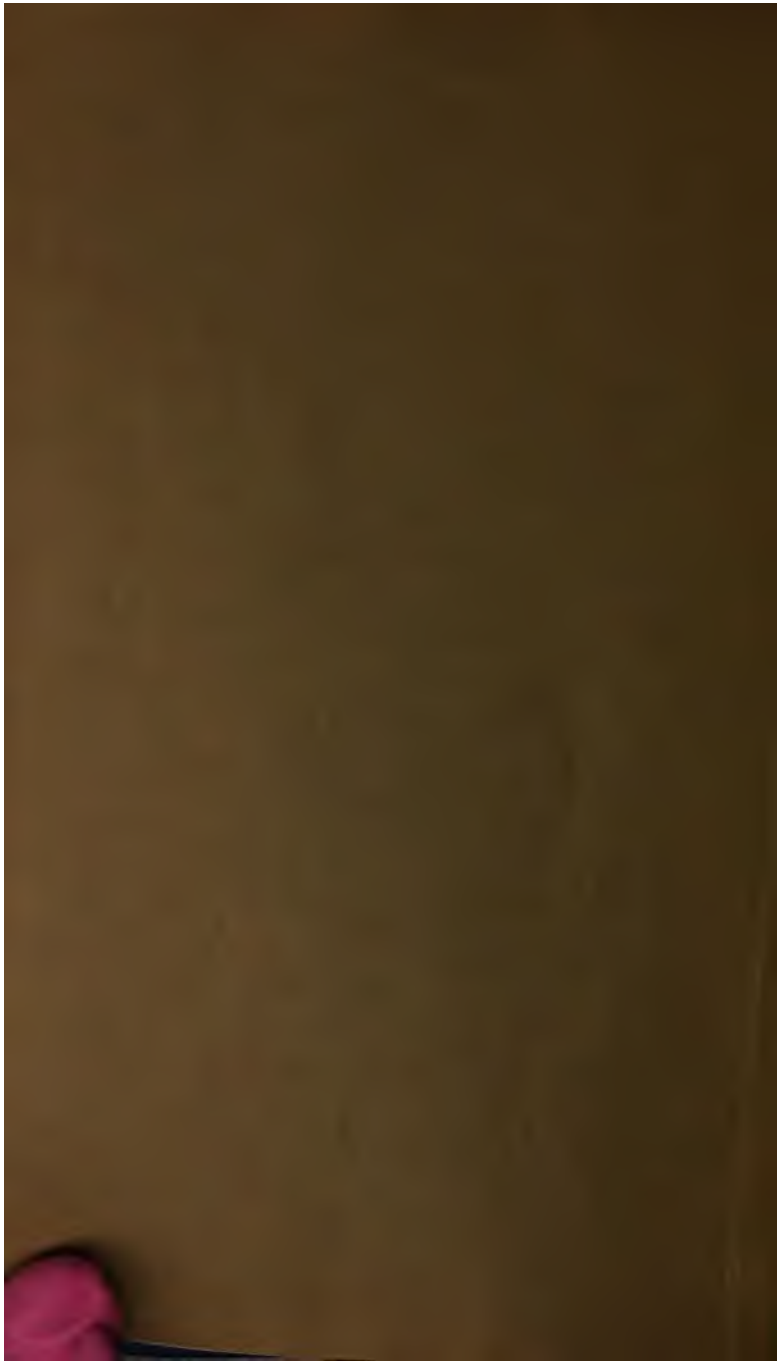
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